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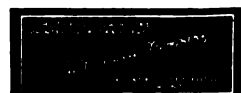
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Collection

A
COLLECTION
OF THE
A C T S
PASSED IN THE PARLIAMENT OF
GREAT BRITAIN,
PARTICULARLY APPLYING TO THE PROVINCE OF
UPPER CANADA,
AND OF SUCH
ORDINANCES
OF THE
LATE PROVINCE OF QUEBEC,
AS HAVE FORCE OF LAW THEREIN.

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IN THE FOURTEENTH YEAR OF THE REIGN OF
GEORGE THE THIRD,

At the Parliament begun and holden at Westminster, the tenth day of May, in the year of our Lord 1768, in the eighth year of the Reign of our Sovereign Lord GEORGE the THIRD, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. and from thence continued, by several Prorogations, to the thirteenth day of January, 1774; being the Seventh Session of the Thirteenth Parliament of Great Britain.

—:—:—
C H A P. LXXXIII.

An Act for making more effectual provision for the Government of the Province of Quebec, in North America.

WHEREAS His Majesty, by His Royal Proclamation, bearing date the seventh day of October, in the third year of His Reign, thought fit to declare the provisions which had been made in respect to certain Countries, Territories, and Islands in America, ceded to His Majesty by the definitive Treaty of Peace, concluded at Paris, on the tenth day of February, one thousand seven hundred and sixty-three: And whereas, by the arrangements made by the said Royal Proclamation, a very large extent of country, within which there were several Colonies and Settlements of the subjects of France, who claimed to remain therein under the faith of the said Treaty, was left without any provision being made for the administration of Civil Government therein; and certain parts of the territory of Canada, where sedentary fisheries had been established and carried on by the subjects of France, inhabitants of the said Province of Canada, under grants and concessions from the Government thereof, were annexed to the Government of Newfoundland, and thereby subjected to regulations inconsistent with the nature of such fisheries: May it therefore please your most Excellent Majesty, that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That all the Territories, Islands, and Countries in North America, belonging to the Crown of Great Britain, bounded on the South by a line from the Bay of Chaleurs, along the high lands which divide the rivers that empty themselves into the River Saint Lawrence from those which fall into the Sea, to a point in forty-five degrees of Northern latitude, on the Eastern bank of the River Connecticut, keeping the same latitude directly West, through the Lake Champlain, until, in the same latitude, it meets the River Saint Lawrence; from thence up the Eastern bank of the said River to the Lake Ontario; thence through the Lake Ontario, and the River commonly called Niagara; and thence along by the Eastern and South Eastern bank of Lake Erie, following the said bank, until the same shall be intersected by the Northern boundary, granted by the

Territories belonging
to Great Britain.

Charter

Charter of the Province of Pennsylvania, in case the same shall be so intersected; and from thence along the said Northern and Western boundaries of the said Province, until the said Western boundary strike the Ohio; but in case the said bank of the said Lake shall not be found to be so intersected, then following the said bank until it shall arrive at that point of the said bank which shall be nearest to the North Western angle of the said Province of Pennsylvania, and thence by a right line, to the said North Western angle of the said Province; and thence along the Western boundary of the said Province, until it strike the River Ohio; and along the bank of the said River, Westward, to the banks of the Mississippi, and Northward to the Southern boundary of the Territory granted to the Merchants Adventurers of England, trading to Hudson's Bay, and also all such Territories, Islands and Countries, which have, since the tenth of February, one thousand seven hundred and sixty-three, been made part of the Government of Newfoundland, be, and they are hereby, during His Majesty's pleasure, annexed to, and made part and parcel of the Province of Quebec, as created and established by the said Royal Proclamation of the seventh of October, one thousand seven hundred and sixty-three.

Annexed to the Province of Quebec.

II. *Provided always*, That nothing herein contained, relative to the boundary of the Province of Quebec, shall in any wise affect the boundaries of any other Colony.

III. *Provided always, and be it enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to make void, or to vary or alter any right, title; or possession, derived under any grant, conveyance, or otherwise howsoever, of or to any Lands within the said Province, or the Provinces thereto adjoining; but that the same shall remain and be in force, and have effect, as if this Act had never been made.

IV. And whereas the provisions made by the said Proclamation, in respect to the Civil Government of the said Province of Quebec, and the powers and authorities given to the Governor and other civil officers of the said Province, by the grants and commissions issued in consequence thereof, have been found upon experience, to be inapplicable to the state and circumstances of the said Province, the inhabitants whereof amounted, at the conquest, to above sixty-five thousand persons professing the Religion of the Church of Rome, and enjoying an established form of Constitution and system of Laws, by which their persons and property had been protected, governed, and ordered, for a long series of years, from the first establishment of the said Province of Canada; *Be it therefore further enacted by the authority aforesaid*, That the said Proclamation, so far as the same relates to the said Province of Quebec, and the Commission under the authority whereof the Government of the said Province is at present administered, and all and every the Ordinance and Ordinances, made by the Governor and Council of Quebec for the time being, relative to the Civil Government and administration of Justice in the said Province, and all Commissions to Judges and other Officers thereof, be, and the same are hereby revoked, annulled, and made void, from and after the first day of May, one thousand seven hundred and seventy-five.

Former provisions null and void.

V. And for the more perfect security and ease of the minds of the inhabitants of the said Province, it is hereby declared, that His Majesty's subjects professing the Religion of the Church of Rome, of and in the said Province of Quebec, may have, hold and enjoy, the free exercise of the Religion of the Church of Rome, subject to the King's supremacy, declared and established by an Act made in the first year of the Reign of Queen Elizabeth, over all the Dominions and Countries which then did, or thereafter should belong, to the Imperial Crown of this Realm, and that the Clergy of the said Church may hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as shall profess the said Religion.

Inhabitants of Quebec may profess the Romish religion, &c.

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VI. *Provided nevertheless*, That it shall be lawful for His Majesty, His Heirs or Successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant Religion, and for the maintenance and support of a Protestant Clergy within the said Province, as he or they shall from time to time, think necessary and expedient.

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VII. *Provided always, and be it enacted*, That no person professing the Religion of the Church of Rome, and residing in the said Province, shall be obliged to take the oath required by the said Statute, passed in the first year of the Reign of Queen Elizabeth, or any other oaths substituted by any other Act in the place thereof; but that every such person who, by the said Statute, is required to take the oath therein mentioned, shall be obliged, and is hereby required, to take and subscribe the following oath, before the Governor, or such other person in such Court of Record as His Majesty shall appoint, who are hereby authorised to administer the same, viz.—

No person professing the Romish religion obliged to take the oath of 1 Elizabeth, but to take the following oath.

“I, A. B. do sincerely promise and swear, that I will be faithful, and bear true allegiance to His Majesty King George, and him will defend to the utmost of my power, against all traitorous conspiracies and attempts whatsoever, which shall be made against his Person, Crown and Dignity; and I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs and Successors, all treasons, and traitorous conspiracies and attempts, which I shall know to be against him or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any Power and Person whomsoever to the contrary—So help me God.”

And every such person who shall neglect or refuse to take the said oath before mentioned, shall incur and be liable to the same penalties, forfeitures disabilities and incapacities, as he would have incurred and been liable to, for neglecting or refusing to take the oath required by the said Statute passed in the first year of the Reign of Queen Elizabeth.

VIII. *And be it further enacted by the authority aforesaid*, That all His Majesty's Canadian subjects within the Province of Quebec, the Religious Orders and Communities only excepted, may also hold and enjoy their property and possessions, together with all customs and usages relative thereto, and all other their civil rights, in as large, ample, and beneficial manner,

Canadian subjects (religious orders excepted) may hold all their possessions, &c.

ner, as if the said Proclamation, Commissions, Ordinances, and other Acts and Instruments, had not been made, and as may consist with their allegiance to His Majesty, and subjection to the Crown and Parliament of Great Britain; and that in all matters of controversy relative to property and civil rights, resort shall be had to the Laws of Canada, as the rule for the decision of the same; and all causes that shall hereafter be instituted in any of the Courts of Justice, to be appointed within and for the said Province, by His Majesty, His Heirs and Successors, shall with respect to such property and rights, be determined agreeably to the said Laws and Customs of Canada, until they shall be varied or altered by any Ordinances that shall, from time to time, be passed in the said Province, by the Governor, Lieutenant Governor, or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the same, to be appointed in manner hereinafter mentioned.

IX. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, to any lands that have been granted by His Majesty, or shall hereafter be granted by His Majesty, His Heirs and Successors, to be holden in free and common soccage.

Owners of goods may
alienate by will, &c.

X. *Provided also*, That it shall and may be lawful to and for every person that is owner of any lands, goods, or credits, in the said Province, and that has a right to alienate the said lands, goods, or credits, in his or her life-time, by deed of sale, gift, or otherwise, to devize or bequeath the same, at his or her death, by his or her last will and testament; any Law, usage or custom, heretofore or now prevailing in the Province, to the contrary hereof in any wise notwithstanding; such will being executed, either according to the Laws of Canada, or according to the forms prescribed by the Law of England.

Criminal Law of
England to be continued
in the Province.

XI. And whereas the certainty and lenity of the Criminal Laws of England, and the benefit and advantages resulting from the use of it, have been sensibly felt by the inhabitants, from an experience of more than nine years, during which it has been uniformly administered; *Be it therefore further enacted by the authority aforesaid*, That the same shall continue to be administered, and shall be observed as Law in the Province of Quebec, as well in the description and quality of the offence, as in the method of prosecution and trial; and the punishments and forfeitures thereby inflicted, to the exclusion of every other rule of Criminal Law, or mode of proceeding thereon, which did or might prevail in the said Province, before the year of our Lord one thousand seven hundred and sixty-four; any thing in this Act to the contrary thereof in any respect notwithstanding; subject nevertheless to such alterations and amendments as the Governor, Lieutenant Governor, or Commander in Chief, for the time being, by and with the advice and consent of the Legislative Council of the said Province, hereafter to be appointed shall, from time to time, cause to be made therein, in manner hereinafter directed.

XII. And whereas, it may be necessary to ordain many regulations for the future welfare and good government of the Province of Quebec, the occasions of which cannot now be foreseen, nor, without much delay and inconvenience, be provided for, without intrusting that authority, for a certain time, and under proper restrictions, to persons resident there: And whereas, it is at present inexpedient to call an Assembly; *Be it therefore enacted by the authority aforesaid*, That it shall and may be lawful for His Majesty, His Heirs and Successors, by warrant under His or their Signet or Sign Manual, and with the advice of the Privy Council, to constitute and appoint a Council for the affairs of the Province of Quebec, to consist of such persons resident there, not exceeding twenty-three, nor less than seventeen, as His Majesty, His Heirs and Successors, shall be pleased to appoint; and, upon the death, removal, or absence of any of the Members of the said Council, in like manner to constitute and appoint such and so many other person or persons as shall be necessary to supply the vacancy or vacancies; which Council, so appointed and nominated, or the major part thereof, shall have power and authority to make Ordinances for the peace, welfare, and good government of the said Province, with the consent of His Majesty's Governor, or in his absence, of the Lieutenant Governor, or Commander in Chief for the time being.

His Majesty may appoint a Council, &c

XIII. *Provided always*, That nothing in this Act contained shall extend to authorize or empower the said Legislative Council to lay any taxes or duties within the said Province, such rates and taxes only excepted, as the inhabitants of any Town or District, within the said Province, may be authorised by the said Council to assess, levy, and apply, within the said Town or District, for the purpose of making roads, erecting and repairing public buildings, or for any other purpose respecting the local convenience and æconomy of such Town or District.

XIV. *Provided also, and be it enacted by the authority aforesaid*, That every Ordinance so to be made, shall, within six months, be transmitted by the Governor, or in his absence, by the Lieutenant Governor, or Commander in Chief for the time being, and laid before His Majesty for his Royal Approbation; and if His Majesty shall think fit to disallow thereof, the same shall cease and be void from the time that His Majesty's Order in Council thereupon shall be promulgated at Quebec.

XV. *Provided also*, That no Ordinance touching Religion, or by which any punishment may be inflicted greater than fine or imprisonment for three months, shall be of any force or effect, until the same shall have received His Majesty's approbation.

XVI. *Provided also*, That no Ordinance shall be passed at any meeting of the Council where less than a majority of the whole Council is present, or at any time except between the first day of January and the first day of May, unless upon some urgent occasion, in which case every Member thereof resident at Quebec or within fifty miles thereof, shall be personally summoned by the Governor, or, in his absence, by the Lieutenant Governor, or Commander in Chief for the time being, to attend the same.

When Ordinances are to be passed by a majority.

XVII.

XVII. *And be it further enacted by the authority aforesaid,* That nothing herein contained, shall extend or be construed to extend, to prevent or hinder His Majesty, His Heirs and Successors, by his or their Letters Patent, under the Great Seal of Great Britain, from erecting, constituting, and appointing such Courts of Criminal, Civil, and Ecclesiastical Jurisdiction, within and for the said Province of Quebec, and appointing, from time to time, the Judges and Officers thereof, as His Majesty, His Heirs and Successors, shall think necessary and proper for the circumstances of the said Province.

See C. 88, and 15
Geo. 3d, c. 40.

XVIII. *Provided always, and it is hereby enacted,* That nothing in this Act contained shall extend, or be construed to extend, to repeal or make void within the said Province of Quebec, any Act or Acts of the Parliament of Great Britain heretofore made, for prohibiting, restraining, or regulating the trade or commerce of His Majesty's Colonies and Plantations in America; but that all and every the said Acts, and also, all Acts of Parliament heretofore made concerning or respecting the said Colonies and Plantations, shall be, and are hereby declared to be, in force within the said Province of Quebec, and every part thereof.

C H A P. LXXXVIII.

An Act to establish a Fund towards further defraying the Charges of the Administration of Justice, and Support of the Civil Government within the Province of Quebec, in America.

Certain duties imposed by his most Christian Majesty upon Rum, Brandy, &c. imported into Quebec.

WHEREAS, certain Duties were imposed by the authority of His Most Christian Majesty, upon Wine, Rum, Brandy, Eau de Vie de Liqueur, imported into the Province of Canada, now called the Province of Quebec, and also a duty of three pounds per centum ad valorem, upon all dry goods imported into, and exported from the said Province, which Duties subsisted at the time of the surrender of the said Province to your Majesty's forces in the late war: And whereas, it is expedient that the said Duties should cease and be discontinued; and that in lieu and instead thereof, other Duties should be raised by the authority of Parliament, for making a more adequate provision for defraying the charge of the Administration of Justice, and the Support of the Civil Government in the said Province: We your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the fifth day of April, one thousand seven hundred and seventy five, all the Duties which were imposed upon Rum, Brandy, Eau de Vie de Liqueur, within the said Province, and also of three pounds per centum ad valorem, on dried Goods imported into, or exported from the said Province, under the authority of His Most Christian Majesty, shall be and are hereby discontinued;

to be discontinued.

discontinued; and that in lieu and instead thereof, there shall, from and after the said fifth day of April, one thousand seven hundred and seventy five, be raised, levied, collected, and paid, unto His Majesty, His Heirs and Successors, for and upon the respective Goods hereinafter mentioned, which shall be imported or brought into any part of the said Province, over and above all other Duties now payable in the said Province, by any Act or Acts of Parliament, the several Rates and Duties following: that is to say,

For every gallon of Brandy, or other Spirits, of the manufacture of Great Britain, three pence.

and in stead the following Duties to be paid.

For every gallon of Rum, or other Spirits, which shall be imported or brought from any of His Majesty's Sugar Colonies in the West Indies, six pence.

For every gallon of Rum, or other Spirits, which shall be imported or brought from any other of His Majesty's Colonies or Dominions in America, nine pence.

For every gallon of Foreign Brandy, or other Spirits of Foreign manufacture, imported or brought from Great Britain, one shilling.

For every gallon of Rum or Spirits, of the produce or manufacture of any of the Colonies or Plantations in America, not in the possession or under the dominion of His Majesty, imported from any other place except Great Britain, one shilling.

For every gallon of Molasses and Syrups, which shall be imported or brought into the said Province, in ships or vessels belonging to His Majesty's subjects in Great Britain or Ireland, or to His Majesty's subjects in the said Province, three pence.

For every gallon of Molasses and Syrups, which shall be imported or brought into the said Province, in any other ships or vessels, in which the same may be legally imported, sixpence; and after those rates for any greater or less quantity of such goods respectively.

II. And it is hereby further enacted by the authority aforesaid, That the said Rates and Duties, charged by this Act, shall be deemed, and are hereby declared to be, Sterling Money of Great Britain, and shall be collected, recovered and paid, to the amount of the value of which such nominal sums bear in Great Britain; and that such monies may be received and taken according to the proportion and value of five shillings and sixpence the ounce in silver; and that the said Duties, herein before granted, shall be raised, levied, collected, paid, and recovered, in the same manner and form, and by such rules, ways and means, and under such penalties and forfeitures, except in such cases where any alteration is made by this Act, as any other Duties payable to His Majesty, upon Goods imported into any British Colony or Plantation in America, are or shall be raised, levied, collected, paid, and recovered, by any Act or Acts of Parliament, as fully and effectually, to all intents and purposes, as if the several clauses, powers, directions, penalties, and forfeitures, relating thereto, were particularly repeated and again enacted in the body of this present Act; and that all the monies that shall arise by the said Duties, (except the necessary charges of raising, collecting, levying, recovering, answering, paying, and accounting for

Rates deemed Sterling money of Great Britain.

How to be levied, &c.

To whom to be paid
and how applied.

the same,) shall be paid by the Collector of His Majesty's Customs, into the hands of His Majesty's Receiver General in the said Province for the time being, and shall be applied, in the first place, in making a more certain and adequate provision, towards defraying the expences of the Administration of Justice, and of the support of Civil Government in the said Province; and that the Lord High Treasurer, or Commissioners of His Majesty's Treasury, or any three or more of them for the time being, shall be, and is or are hereby empowered, from time to time, by any warrant or warrants under his or their hand or hands. to cause such money to be applied out of the said produce of the said Duties, towards defraying the said expences; and that the residue of the said Duties shall remain and be reserved in the hands of the said Receiver General, for the future disposition of Parliament.

Regulations with respect to goods brought into the Province chargeable, &c.

III. *And it is hereby further enacted by the authority aforesaid.* That if any Goods chargeable with any of the said Duties herein before mentioned, shall be brought into the said Province by land carriage, the same shall pass and be carried through the port of Saint Johns near the River Sorrel; or if such Goods shall be brought into the said Province by any inland navigation, other than that upon the River Saint Lawrence, the same shall pass and be carried upon the said River Sorrel, by the said port, and shall be there entered with, and the said respective Rates and Duties paid for the same, to such Officer or Officers of His Majesty's Customs as shall be there appointed for that purpose; and if any such Goods coming by land carriage or inland navigation, as aforesaid, shall pass by or beyond the said place before named, without entry or payment of the said Rates and Duties. or shall be brought into any part of the said Province, by or through any other place whatsoever, the said Goods shall be forfeited; and every person who shall be assisting, or otherwise concerned in the bringing or removing such Goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this Act, shall forfeit treble the value of such Goods, to be estimated and computed according to the best price that each respective commodity bears in the Town of Quebec, at the time such offence shall be committed; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage, or conveyance of such Goods, shall also be forfeited and lost, and shall and may be seized by any Officer of His Majesty's Customs, and prosecuted, as herein after mentioned.

Penalties and forfeitures, &c.

IV. *And it is hereby further enacted by the authority aforesaid.* That the said penalties and forfeitures by this Act indicted, shall be sued for and prosecuted in any Court of Admiralty, or Vice Admiralty, having jurisdiction within the said Province, and the same shall and may be recovered and divided in the same manner and form, and by the same rules and regulations, in all respects, as other penalties and forfeitures for offences against the Laws relating to the Customs and Trade of His Majesty's Colonies in America, shall or may, by any Act or Acts of Parliament, be sued for, prosecuted, recovered, and divided.

V. *And be it further enacted by the authority aforesaid,* That there shall, from

from and after the fifth day of April, one thousand seven hundred and seventy-five, be raised, levied, collected, and paid unto His Majesty's Receiver General of the said Province, for the use of His Majesty, His Heirs and Successors, a Duty of one pound sixteen shillings, Sterling Money, of Great Britain, for every licence that shall be granted by the Governor, Lieutenant Governor, or Commander in Chief of the said Province, to any person or persons for keeping a house or any other place of public entertainment, or for the retailing wine, brandy, rum, or any other spirituous liquors, within the said Province; and any person keeping any such house or place of entertainment, or retailing any such liquors without such licence, shall forfeit and pay the sum of ten pounds for every such offence, upon conviction thereof; one moiety to such person as shall inform or prosecute for the same, and the other moiety shall be paid into the hands of the Receiver General of the Province, for the use of His Majesty.

Any person keeping a house of public entertainment, to pay £1 16s for a licence.

La Parol. St. L. 33 Geo 3 c 13 15-16 Geo 3 c 27.

Penalty of £10 for every offence.

VI. *Provided always*, That nothing herein contained shall extend or be construed to extend, to discontinue, determine, or make void, any part of the territorial or casual revenues, fines, rents, or profits whatsoever, which were reserved to and belonged to His Most Christian Majesty, before and at the time of the conquest and surrender thereof to His Majesty the King of Great Britain; but that the same, and every of them, shall remain and be continued to be levied, collected, and paid, in the same manner as if this Act had never been made, any thing therein contained to the contrary notwithstanding,

Not to make void French revenues, &c.

VII. *And be it further enacted by the authority aforesaid*, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, and if it shall appear to the Court or Judge where or before whom the same shall be tried, that such action or suit is brought for any thing that was done in pursuance of and by the authority of this Act, the defendant or defendants shall be indemnified and acquitted for the same; and if such defendant or defendants shall be so acquitted, or if the plaintiff shall discontinue such action or suit, such Court or Judge shall award to the defendant or defendants treble costs.

Treble costs. Explained & amended, 15 Geo. 3. c 40.

IN THE FIFTEENTH YEAR OF THE REIGN OF

GEORGE THE THIRD,

At the Parliament begun and holden at Westminster, the twenty-ninth day of November in the year of our Lord 1774, in the fifteenth year of the Reign of our Sovereign Lord GEORGE the THIRD, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. being the first Session of the Fourteenth Parliament of Great Britain.



C H A P. LX.

An Act for amending and explaining an Act, passed in the fourteenth year of His Majesty's Reign, intituled, "An Act to establish a fund towards further defraying the Charges of Administration of Justice, and support of the Civil Government within the Province of Quebec, in America."

14th Geo. 3d, c 86.

WHEREAS by an Act passed in the fourteenth year of His Majesty's Reign, intituled "An Act to establish a fund towards further defraying the charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America," it is, amongst other things enacted, That if any goods, chargeable with any of the Duties in the said Act mentioned, shall be brought into the said Province by land carriage, the same shall pass and be carried through the port of Saint John's near the River Sorrel; or if such goods shall be brought into the said Province by any inland navigation, other than that upon the River Saint Lawrence, the same shall pass and be carried upon the said River Sorrel by the said port, and shall be there entered with, and the said respective Rates and Duties paid for the same, to such officer or officers of His Majesty's Customs, as shall be there appointed for that purpose; and if any such goods coming by land carriage or inland navigation, as aforesaid, shall pass by or beyond the said place before named, without entry or payment of the said Rates and Duties, or shall be brought into any part of the said Province, by or through any other place whatsoever, the said goods shall be forfeited; and every person who shall be assisting, or otherwise concerned, in the bringing or removing such goods, or to whose hands the same shall come, knowing that they were brought or removed contrary to this Act, shall forfeit treble the value of such goods, to be estimated and computed according to the best price that each respective commodity bears in the Town of Quebec at the

time such offence shall be committed; and all the horses, cattle, boats, vessels, and other carriages whatsoever, made use of in the removal, carriage or conveyance of such goods, shall be forfeited and lost, and shall and may be seized by any officer of His Majesty's Customs, and prosecuted as therein after mentioned: And whereas there is reason to apprehend that the regulations and restrictions contained in the said herein before recited clause, so far as they relate to the bringing of Rum, Brandy, or other Spirits, into the Province of Quebec, by land carriage, may, without further explanation, operate to the prejudice and disadvantage of the commerce carried on with the Indians in the upper or interior parts of the said Province; We your Majesty's most dutiful and loyal Subjects, the Commons of Great Britain, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all His Majesty's subjects, freely to bring, carry, or convey, by land carriage or inland navigation, into any parts of the Province of Quebec, not heretofore comprehended within the limits thereof by His Majesty's Proclamation of the seventh of October, one thousand seven hundred and sixty-three, any quantity of Rum, Brandy, or other Spirits; any thing contained in the before recited Act of Parliament to the contrary thereof in any wise notwithstanding.

His Majesty's subjects may bring any quantity of Rum, Brandy, &c.

IN THE THIRTY-FIRST YEAR OF THE REIGN OF

GEORGE THE THIRD.

At the Parliament begun and holden at Westminster, the Twenty-fifth day of November, in the year of our Lord 1790, in the thirty-first year of the Reign of our Sovereign Lord GEORGE the THIRD, by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, &c. being the first Session of the Seventeenth Parliament of Great Britain.



C H A P. XXXI.

An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America," and to make further provision for the Government of the said Province.

Preamble.

14th Geo. 3, cap. 83,
recited.

So much of recited
Act as relates to the ap-
pointment of a Council
for Quebec, or its pow-
ers, repealed.

WHEREAS, an Act was passed in the fourteenth year of the Reign of His present Majesty, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America;" And whereas, the said Act is in many respects inapplicable to the present condition and circumstances of the said Province; And whereas, it is expedient and necessary that further provision should now be made for the good Government and prosperity thereof: May it therefore please your Most Excellent Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That so much of the said Act as in any manner relates to the appointment of a Council for the affairs of the said Province of Quebec, or to the power given by the said Act to the said Council, or to the major part of them, to make Ordinances for the peace, welfare, and good Government of the said Province, with the consent of His Majesty's Governor, Lieutenant Governor, or Commander in Chief for the time being, shall be, and the same is hereby repealed.

II. And whereas, His Majesty has been pleased to signify, by his Message to both Houses of Parliament, His Royal Intention to divide his Province of Quebec

Quebec into two separate Provinces, to be called the Province of Upper Canada, and the Province of Lower Canada; *Be it enacted by the authority aforesaid*, That there shall be within each of the said Provinces respectively, a Legislative Council, and an Assembly, to be severally composed and constituted in the manner herein after described; and that in each of the said Provinces respectively, His Majesty, His Heirs or Successors, shall have power, during the continuance of this Act, by and with the advice and consent of the Legislative Council and assembly of such Provinces respectively, to make Laws for the peace, welfare, and good Government thereof, such Laws not being repugnant to this Act; and that all such Laws, being passed by the Legislative Council and Assembly of either of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, or assented to in His Majesty's name, by such person as His Majesty, His Heirs or Successors, shall from time to time appoint to be the Governor or Lieutenant Governor of such Province, or by such person as His Majesty, His Heirs or Successors, shall, from time to time, appoint to administer the Government within the same, shall be, and the same are hereby declared to be, by virtue of and under the authority of this Act, valid and binding, to all intents and purposes whatever, within the Province in which the same shall have been so passed.

Within each of the intended Provinces, a Legislative Council and Assembly to be constituted, by whose advice His Majesty may make Laws for the Government of the Province.

III. *And be it further enacted by the authority aforesaid*, That for the purpose of constituting such Legislative Council, as aforesaid, in each of the said Provinces respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by an instrument under his or their Sign Manual, to authorise and direct the Governor or Lieutenant Governor, or Person administering the Government, in each of the said Provinces respectively, within the time herein after mentioned, in His Majesty's name, and by an instrument under the Great Seal of such Province, to summon to the said Legislative Council, to be established in each of the said Provinces respectively, a sufficient number of discreet and proper persons, being not fewer than seven to the Legislative Council, for the Province of Upper Canada, and not fewer than fifteen to the Legislative Council for the Province of Lower Canada; and that it shall also be lawful for His Majesty, His Heirs or Successors, from time to time, by an instrument under his or their Sign Manual, to authorise and direct the Governor or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, to summon to the Legislative Council of such Province, in like manner, such other person or persons as His Majesty, His Heirs or Successors, shall think fit; and that every person who shall be so summoned to the Legislative Council of either of the said Provinces respectively, shall thereby become a Member of such Legislative Council, to which he shall have been so summoned.

His Majesty may authorize the Governor, or Lieutenant Governor of each Province, to summon members to the Legislative Council.

IV. *Provided always, and be it enacted by the authority aforesaid*, That no person shall be summoned to the Legislative Council, in either of the said Provinces, who shall not be of the full age of twenty-one years, and a natural born subject of His Majesty, or a subject of His Majesty naturalized by Act of the British Parliament, or a subject of His Majesty, having become such by the conquest and cession of the Province of Canada.

No person under 21 years of age, &c. to be summoned.

V.

Members to hold their seats for life.

V. *And be it further enacted by the authority aforesaid, That every Member of each of the said Legislative Councils shall hold his seat therein for the term of his life, but subject nevertheless to the provisions herein after contained for vacating the same, in the cases herein after specified.*

His Majesty may annex to hereditary titles of honor, the right of being summoned to the Legislative Council.

VI. *And be it further enacted by the authority aforesaid, That whenever His Majesty, His Heirs or Successors, shall think proper to confer upon any subject of the Crown of Great Britain, by Letters Patent under the Great Seal of either of the said Provinces, any hereditary title of honor, rank, or dignity of such Province, descendible according to any course of descent limited in such Letters Patent, it shall and may be lawful for His Majesty, His Heirs or Successors, to annex thereto by the said Letters Patent, if His Majesty, His Heirs or Successors, shall so think fit, an hereditary right of being summoned to the Legislative Council of such Province, descendible according to the course of descent so limited with respect to such title, rank, or dignity; and that every person on whom such right shall be so conferred, or to whom such right shall severally so descend, shall thereupon be entitled to demand from the Governor, Lieutenant Governor, or Person administering the Government of such Province, his writ of summons to such Legislative Council, at any time after he shall have attained the age of twenty-one years, subject nevertheless to the provisions herein after contained.*

Such descendible right foreheir, and

VII. *Provided always, and be it further enacted by the authority aforesaid, That when and so often as any person to whom such hereditary right shall have descended, shall, without the permission of His Majesty, His Heirs or Successors, signified to the Legislative Council of the Province by the Governor, Lieutenant Governor, or Person administering the Government there, have been absent from the said Province for the space of four years continually, at any time between the date of his succeeding to such right, and the time of his applying for such writ of summons, if he shall have been of the age of twenty-one years, or upwards at the time of his so succeeding, or at any time between the date of his attaining the said age and the time of his so applying, if he shall not have been of the said age at the time of his so succeeding; and also, when and so often as any such person shall, at any time before his applying for such writ of summons, have taken any oath of allegiance or obedience to any Foreign Prince or Power, in every such case such person shall not be entitled to receive any writ of summons to the Legislative Council by virtue of such hereditary right, unless His Majesty, His Heirs or Successors, shall, at any time think fit, by instrument under his or their Sign Manual, to direct that such person shall be summoned to the said Council; and the Governor, Lieutenant Governor, or Person administering the Government in the said Provinces respectively, is hereby authorized and required, previous to granting such writ of summons to any person so applying for the same, to interrogate such person upon oath, touching the said several particulars, before such Executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, for the affairs thereof.*

VIII.

VIII. *Provided also, and be it further enacted by the authority aforesaid,* That if any Member of the Legislative Councils of either of the said Provinces respectively, shall leave such Province, and shall reside out of the same for the space of four years continually, without the permission of His Majesty, His Heirs or Successors, signified to such Legislative Council by the Governor, or Lieutenant Governor, or Person administering His Majesty's Government there, or for the space of two years continually, without the like permission, or the permission of the Governor, Lieutenant Governor, or Person administering the Government of such Province, signified to such Legislative Council in the manner aforesaid; or if any such Member shall take any oath of allegiance or obedience to any Foreign Prince or Power, his seat in such Council shall thereby become vacant.

Seats in Council vacated in certain cases.

IX. *Provided also, and be it further enacted by the authority aforesaid,* That in every case where a writ of summons to such Legislative Council, shall have been lawfully withheld from any person to whom such hereditary right as aforesaid, shall have descended, by reason of such absence from the Province as aforesaid, or of his having taken an oath of allegiance or obedience to any Foreign Prince or Power, and also in every case where the seat in such Council of any Member thereof, having such hereditary right as aforesaid, shall have been vacated by reason of any of the causes herein before specified, such hereditary right shall remain suspended during the life of such person, unless His Majesty, His Heirs or Successors, shall afterwards think fit to direct that he be summoned to such Council; but that on the death of such person, such right, subject to the provisions herein contained, shall descend to the person who shall next be entitled thereto, according to the course of descent limited in the Letters Patent by which the same shall have been originally conferred.

Hereditary rights and seats so forfeited or vacated, to remain suspended during the lives of the parties, but on their deaths to go to the person next entitled thereto.

X. *Provided also, and be it further enacted by the authority aforesaid,* That if any Member of either of the said Legislative Councils shall be attainted for Treason in any Court of Law within any of His Majesty's Dominions, his seat in such Council shall thereby become vacant, and any such hereditary right as aforesaid then vested in such person, or to be derived to any other person through him, shall be utterly forfeited and extinguished.

Seats in Council forfeited, and hereditary rights extinguished, for treason.

XI. *Provided also, and be it further enacted by the authority aforesaid,* That whenever any question shall arise respecting the right of any person to be summoned to either of the said Legislative Councils respectively, or respecting the vacancy of the seat in such Legislative Council, of any person having been summoned thereto, every such question shall, by the Governor, or Lieutenant Governor of the Province, or by the Person administering the Government there, be referred to such Legislative Council, to be by the said Council heard and determined; and that it shall and may be lawful, either for the person desiring such writ of summons, or respecting whose seat such question shall have arisen, or for His Majesty's Attorney General of such Province in His Majesty's name, to appeal from the determination of the said Council, in such case, to His Majesty in His Parliament of Great Britain; and that the judgment thereon of His Majesty, in His said Parliament, shall be final and conclusive to all intents and purposes whatever.

Questions respecting the right to be summoned to Council, &c. to be determined as herein mentioned.

The Governor of the Provinces may appoint and remove the Speaker.

XII. *And be it further enacted by the authority aforesaid*, That the Governor or Lieutenant Governor of the said Provinces respectively, or the Person administering His Majesty's Government therein respectively, shall have power and authority from time to time, by an instrument under the Great Seal of such Province, to constitute, appoint, and remove the Speakers of the Legislative Councils of such Provinces respectively.

His Majesty may authorize the Governor to call together the Assembly,

XIII. *And be it further enacted by the authority aforesaid*, That for the purpose of constituting such Assembly as aforesaid, in each of the said Provinces respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by an instrument under his or their Sign Manual, to authorise and direct the Governor, or Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, within the time hereinafter mentioned, and thereafter from time to time, as occasion shall require, in His Majesty's name, and by an instrument under the Great Seal of such Province, to summon and call together an Assembly in and for such Province.

and, for the purpose of electing the Members, to issue a Proclamation dividing the Province into Districts, &c.

XIV. *And be it further enacted by the authority aforesaid*, That for the purpose of electing the Members of such Assemblies respectively, it shall and may be lawful for His Majesty, His Heirs or Successors, by an instrument under his or their Sign Manual, to authorise the Governor or Lieutenant Governor of each of the said Provinces respectively, or the person administering the Government therein, within the time hereinafter mentioned, to issue a Proclamation dividing such Province into Districts, or Counties, or Circles, and Towns or Townships, and appointing the limits thereof, and declaring and appointing the number of Representatives to be chosen by each of such Districts, or Counties, or Circles, and Towns or Townships respectively; and that it shall also be lawful for His Majesty, His Heirs or Successors, to authorize such Governor, or Lieutenant Governor, or Person administering the Government, from time to time, to nominate and appoint proper persons to execute the office of Returning Officer in each of the said Districts, or Counties, or Circles, and Towns or Townships, respectively; and that such division of the said Provinces into Districts, or Counties, or Circles, and Towns or Townships, and such declaration and appointment of the number of Representatives to be chosen by each of the said Districts, or Counties, or Circles, and Towns or Townships, respectively, and also such nomination and appointment of Returning Officers in the same, shall be valid and effectual to all the purposes of this Act, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

Power of the Governor to appoint Returning Officers to continue two years from the commencement of this Act.

XV. *Provided nevertheless, and be it further enacted by the authority aforesaid*, That the provision herein before contained, for empowering the Governor, Lieutenant Governor, or Person administering the Government of the said Provinces respectively, under such authority as aforesaid from His Majesty, His Heirs or Successors, from time to time, to nominate and appoint proper persons to execute the office of Returning Officer in the said Districts, Counties, Circles, and Towns or Townships, shall remain and continue in force

force in each of the said Provinces respectively, for the term of two years, from and after the commencement of this Act, within such Province, and no longer; but subject nevertheless to be sooner repealed or varied by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

XVI. *Provided always, and be it further enacted by the authority aforesaid,* That no person shall be obliged to execute the said office of Returning Officer for any longer time than one year, or oftener than once, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

No person obliged to serve as Returning Officer more than once unless otherwise provided by an Act of the Province.

XVII. *Provided also, and be it enacted by the authority aforesaid,* That the whole number of Members to be chosen in the Province of Upper Canada, shall not be less than sixteen, and the whole number of Members to be chosen in the Province of Lower Canada, shall not be less than fifty.

Number of Members in each Province.

XVIII. *And be it further enacted by the authority aforesaid,* That writs for the Election of Members to serve in the said Assemblies respectively, shall be issued by the Governor, Lieutenant Governor, or Person administering His Majesty's Government within the said Provinces, respectively, within fourteen days after the sealing of such instrument as aforesaid, for summoning and calling together such Assembly, and that such writs shall be directed to the respective Returning Officers of the said Districts, or Counties, or Circles, and Towns or Townships, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors; and that writs shall in like manner and form be issued for the election of Members, in the case of any vacancy which shall happen by the death of the person chosen, or by his being summoned to the Legislative Council of either Province, and that such writs shall be made returnable within fifty days at farthest from the day on which they shall bear date, unless it shall at any time be otherwise provided by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors; and that in the case of any such vacancy which shall happen by the death of the person chosen, or by reason of his being so summoned as aforesaid, the writ for the election of a new Member shall be issued within six days after the same shall be made known to the proper office for issuing such writs of election.

Regulations for issuing Writs for the Election of Members to serve in the Assemblies.

XIX. *And be it further enacted by the authority aforesaid,* That all and every the Returning Officers so appointed as aforesaid, to whom any such writs as aforesaid, shall be directed, shall, and they are hereby authorized and required duly to execute such writs.

Returning Officers to execute writs.

XX. *And be it hereby further enacted by the authority aforesaid,* That the Members for the several Districts, or Counties, or Circles, of the said Provinces respectively, shall be chosen by the majority of Votes of such persons

By whom the Members are to be chosen.

sons as shall severally be possessed, for their own use and benefit, of lands or tenements within such District, or County, or Circle, as the case shall be, such lands being by them held in freehold, or in fief, or in roture, or by certificate derived under the authority of the Governor and Council of the Province of Quebec, and being of the yearly value of forty shillings Sterling, or upwards, over and above all rents and charges payable out of or in respect of the same; and that the Members for the several Towns or Townships within the said Provinces respectively, shall be chosen by the majority of Votes of such persons as either shall be severally possessed, for their own use and benefit, of a dwelling-house and lot of ground in such Town or Township, such dwelling-house and lot of ground being by them held in like manner as aforesaid, and being of the yearly value of five pounds Sterling, or upwards, or, as having been resident within the said Town or Township for the space of twelve calendar months next before the date of the writ of summons for the Election, shall bona fide have paid one year's rent for the dwelling house in which they shall have so resided, at the rate of ten pounds Sterling per annum, or upwards.

Certain persons not eligible to the Assemblies.

XXI. *Provided always, and be it further enacted by the authority aforesaid,* That no person shall be capable of being elected a Member to serve in either of the said Assemblies, or of sitting or voting therein, who shall be a Member of either of the said Legislative Councils, to be established as aforesaid in the said two Provinces, or who shall be a Minister of the Church of England, or a Minister, Priest, Ecclesiastic, or Teacher, either according to the rites of the Church of Rome, or under any other form or profession of religious faith or worship.

No person under 21 years of age, &c. capable of voting or being elected;

XXII. *Provided also, and be it further enacted by the authority aforesaid,* That no person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall not be of the full age of twenty-one years, and a natural born subject of His Majesty, or a subject of His Majesty naturalized by Act of the British Parliament, or a subject of His Majesty, having become such by the conquest and cession of the Province of Canada.

nor any person attainted for treason or felony

XXIII. *And be it also enacted by the authority aforesaid,* That no person shall be capable of voting at any Election of a Member to serve in such Assembly, in either of the said Provinces, or of being elected at any such Election, who shall have been attainted for Treason or Felony, in any Court of Law within any of His Majesty's Dominions, or who shall be within any description of persons disqualified by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

Voters if required, to take the following

XXIV. *Provided also, and be it further enacted by the authority aforesaid,* That every Voter, before he is admitted to give his vote at any such Election, shall, if required by any of the Candidates, or by the Returning Officer, take the following oath, which shall be administered in the English or French language, as the case may require:

Oath,

I, *A. B.* do declare and testify, in the presence of Almighty God, that I am,

am, to the best of my knowledge and belief, of the full age of twenty-one years, and that I have not voted before at this Election.

And that every such person shall also, if so required as aforesaid, make oath, previous to his being admitted to vote, that he is, to the best of his knowledge and belief, duly possessed of such lands and tenements, or of such a dwelling house and lot of ground, or that he has bona fide been so resident and paid such rent for his dwelling house, as entitles him, according to the provisions of this Act, to give his vote at such Election, for the County, or District, or Circle, or for the Town or Township for which he shall offer the same.

and to make oath to the particulars herein specified.

XXV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor, or Lieutenant Governor, or Person administering the Government, within each of the said Provinces respectively, to fix the time and place of holding such Elections, giving not less than eight days notice of such time, subject nevertheless to such provisions as may hereafter be made in these respects, by any Act of the Legislative Council and Assembly of the Province, assented to by His Majesty, His Heirs or Successors.

His Majesty may authorize the Governor to fix the time and place for holding Elections,

XXVI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor, or Lieutenant Governor of each of the said Provinces respectively, or the Person administering the Government therein, to fix the places and times of holding the first and every other Session of the Legislative Council and Assembly of such Province, giving due and sufficient notice thereof, and to prorogue the same from time to time, and to dissolve the same, by Proclamation or otherwise, whenever he shall judge it necessary or expedient.

and of holding the Sessions of the Council and Assembly, &c.

XXVII. *Provided always, and be it enacted by the authority aforesaid*, That the said Legislative Council and Assembly, in each of the said Provinces, shall be called together once at the least in every twelve calendar months, and that every Assembly shall continue for four years from the day of the return of the writs for chusing the same, and no longer, subject nevertheless to be sooner prorogued or dissolved by the Governor or Lieutenant Governor of the Province, or Person administering His Majesty's Government therein.

Council and Assembly to be called together once in 12 months, &c.

XXVIII. *And be it further enacted by the authority aforesaid*, That all questions which shall arise in the said Legislative Councils or Assemblies respectively, shall be decided by the majority of voices of such Members as shall be present; and that in all cases where the voices shall be equal, the Speaker of such Council or Assembly, as the case shall be, shall have a casting voice.

and all questions therein to be decided by the majority of votes.

XXIX. *Provided always, and be it enacted by the authority aforesaid*, That no Member, either of the Legislative Council or Assembly, in either of the said Provinces, shall be permitted to sit or vote therein, until he shall have taken

No Member to sit or vote till he has taken the following

taken and subscribed the following oath, either before the Governor or Lieutenant Governor of such Province, or Person administering the Government therein, or before some person or persons authorized by the said Governor or Lieutenant Governor, or other Person as aforesaid, to administer such oath, and that the same shall be administered in the English or French language, as the case shall require.

Oath.

I, A. B. do sincerely promise and swear, that I will be faithful, and bear true Allegiance to His Majesty King George, as lawful Sovereign of the Kingdom of Great Britain, and of these Provinces dependent on and belonging to the said Kingdom; and that I will defend him to the utmost of my power against all traitorous conspiracies and attempts whatever which shall be made against his Person, Crown, and Dignity; and that I will do my utmost endeavour to disclose and make known to His Majesty, His Heirs or Successors, all treasons and traitorous conspiracies and attempts which I shall know to be against him, or any of them; and all this I do swear without any equivocation, mental evasion, or secret reservation, and renouncing all pardons and dispensations from any person or power whatever to the contrary—So help me God.

Governor may give or withhold His Majesty's assent to bills passed by the Legislative Council and Assembly, or reserve them for His Majesty's pleasure.

XXX. *And be it further enacted by the authority aforesaid*, That whenever any Bill which has been passed by the Legislative Council, and by the House of Assembly, in either of the said Provinces respectively, shall be presented, for His Majesty's assent, to the Governor or Lieutenant Governor of such Province, or to the Person administering His Majesty's Government therein, such Governor or Lieutenant Governor, or Person administering the Government, shall, and he is hereby authorized and required to declare, according to his discretion, but subject nevertheless to the provisions contained in this Act, and to such instructions as may from time to time be given in that behalf by His Majesty, His Heirs or Successors, that he assents to such Bill in His Majesty's name, or that he withholds His Majesty's assent from such Bill, or that he reserves such Bill for the signification of His Majesty's pleasure thereon.

Governor to transmit to the Secretary of State, copies of such bills as have been assented to, which His Majesty in Council may declare his disallowance of, within two years from the receipt.

XXXI. *Provided always, and be it further enacted by the authority aforesaid*, That whenever any Bill, which shall have been so presented for His Majesty's assent to such Governor, Lieutenant Governor, or Person administering the Government, shall, by such Governor, Lieutenant Governor, or Person administering the Government, have been assented to in His Majesty's name, such Governor, Lieutenant Governor, or Person as aforesaid, shall, and he is hereby required, by the first convenient opportunity to transmit to one of His Majesty's principal Secretaries of State, an authentic copy of such Bill so assented to; and that it shall and may be lawful, at any time within two years after such Bill shall have been so received by such Secretary of State, for His Majesty, His Heirs or Successors, by his or their Order in Council, to declare his or their disallowance of such Bill, and that such disallowance, together with a certificate, under the hand and seal of such Secretary of State, testifying the day on which such Bill was received, as aforesaid, being signified by such Governor, Lieutenant Governor, or Person administering the Government, to the Legislative Council and

and Assembly of such Province, or by Proclamation, shall make void and annul the same, from and after the date of such signification.

XXXII. *And be it further enacted by the authority aforesaid,* That no such Bill, which shall be so reserved for the signification of His Majesty's pleasure thereon, shall have any force or authority within either of the said Provinces respectively, until the Governor, or Lieutenant Governor, or Person administering the Government, shall signify, either by Speech or Message, to the Legislative Council and Assembly of such Province, or by Proclamation, that such Bill has been laid before His Majesty in Council, and that His Majesty has been pleased to assent to the same; and that an entry shall be made, in the Journals of the said Legislative Council, of every such Speech, Message, or Proclamation; and a duplicate thereof, duly attested, shall be delivered to the proper Officer, to be kept amongst the public records of the Province; And that no such Bill, which shall be so reserved, as aforesaid, shall have any force or authority within either of the said Provinces respectively, unless His Majesty's assent thereto shall have been so signified, as aforesaid, within the space of two years from the day on which such Bill shall have been presented for His Majesty's assent to the Governor, Lieutenant Governor, or Person administering the Government of such Province.

Bills reserved for His Majesty's pleasure not to have any force till His Majesty's assent be communicated to the Council and Assembly; &c.

XXXIII. *And be it further enacted by the authority aforesaid,* That all Laws, Statutes, and Ordinances, which shall be in force on the day to be fixed in the manner herein after directed for the commencement of this Act, within the said Provinces, or either of them, or in any part thereof respectively, shall remain and continue to be of the same force, authority and effect, in each of the said Provinces respectively, as if this Act had not been made, and as if the said Province of Quebec had not been divided; except in so far as the same are expressly repealed or varied by this Act, or in so far as the same shall or may hereafter (by virtue of and under the authority of this Act) be repealed or varied by His Majesty, His Heirs, or Successors, by and with the advice and consent of the Legislative Councils and Assemblies of the said Provinces respectively, or in so far as the same may be repealed or varied by such temporary Laws or Ordinances as may be made in the manner herein after specified.

Laws in force at the commencement of this Act to continue so, except repealed or varied by it; &c.

XXXIV. And whereas by an Ordinance passed in the Province of Quebec, the Governor and Council of the said Province were constituted a Court of Civil Jurisdiction, for hearing and determining appeals in certain cases therein specified, *Be it further enacted by the authority aforesaid,* That the Governor, or Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively, together with such Executive Council as shall be appointed by His Majesty for the affairs of such Province, shall be a Court of Civil Jurisdiction within each of the said Provinces respectively, for hearing and determining appeals within the same, in the like cases, and in the like manner and form, and subject to such appeal therefrom, as such appeals might, before the passing of this Act, have been heard and determined by the Governor and Council of the Province

Establishment of a Court of Civil Jurisdiction in each Province.

of.

of Quebec; but subject, nevertheless, to such further or other provisions as may be made in this behalf, by any Act of the Legislative Council and Assembly of either of the said Provinces respectively, assented to by His Majesty, His Heirs or Successors.

14 Geo 3d, c. 11 and
15.

instructions of Jan. 3,
1775, to Guy Carleton,
Esquire, &c. and

instructions to Sir Frederick Haldimand, and to Lord Dorchester, recited,

and the declaration and provisions therein respecting the clergy of the Church of Rome to continue in force.

XXXV. And whereas, by the abovementioned Act, passed in the fourteenth year of the Reign of His present Majesty, it was declared, That the Clergy of the Church of Rome, in the Province of Quebec, might hold, receive, and enjoy their accustomed dues and rights, with respect to such persons only as should profess the said Religion; *Provided nevertheless*, That it should be lawful for His Majesty, His Heirs or Successors, to make such provision out of the rest of the said accustomed dues and rights, for the encouragement of the Protestant Religion, and for the maintenance and support of a Protestant Clergy within the said Province, as he or they should from time to time think necessary and expedient: And whereas, by His Majesty's Royal Instruction, given under His Majesty's Royal Sign Manual, on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to Guy Carleton, Esquire, now Lord Dorchester, at that time His Majesty's Captain General, and Governor in Chief in and over His Majesty's Province of Quebec, His Majesty was pleased, amongst other things, to direct, "That no incumbent professing the Religion of the Church of Rome, appointed to any Parish in the said Province, should be entitled to receive any tythes for lands or possessions occupied by a Protestant, but that such tythes should be received by such persons as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of Quebec, should appoint, and should be reserved in the hands of His Majesty's Receiver General of the said Province, for the support of a Protestant Clergy in His Majesty's said Province, to be actually resident within the same, and not otherwise, according to such directions as the said Guy Carleton, Esquire, His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province, should receive from His Majesty in that behalf; and that in like manner, all growing rents and profits of a vacant benefice should, during such vacancy, be reserved for and applied to the likeuses;" And whereas, His Majesty's pleasure has likewise been signified to the same effect in His Majesty's Royal instructions given in like manner to Sir Frederick Haldimand, Knight of the most honorable Order of the Bath, late His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of Quebec; and also in His Majesty's Royal instructions, given in like manner to the said Right Honorable Guy Lord Dorchester, now His Majesty's Captain General and Governor in Chief in and over His Majesty's said Province of Quebec; *Be it enacted by the authority aforesaid*, That the said declaration and provision contained in the said above mentioned Act, and also the said provision so made by His Majesty in consequence thereof, by his instructions above recited, shall remain and continue to be of full force and effect in each of the said two Provinces of Upper Canada and Lower Canada respectively, except in so far as the said declaration or provisions respectively, or any part thereof, shall be expressly varied or repealed by any Act or Acts which may be passed by the Legislative Council and

and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the restriction herein after provided.

XXXVI. And whereas, His Majesty has been graciously pleased, by Message to both Houses of Parliament, to express His Royal desire to be enabled to make a permanent appropriation of land in the said Provinces, for the support and maintenance of a Protestant Clergy within the same, in proportion to such lands as have been already granted within the same by His Majesty: And whereas, His Majesty has been graciously pleased, by his said Message, further to signify His Royal desire that such provision may be made, with respect to all future grants of land within the said Provinces respectively, as may best conduce to the due and sufficient support and maintenance of a Protestant Clergy within the said Provinces, in proportion to such increase as may happen in the population and cultivation thereof: Therefore, for the purpose of more effectually fulfilling His Majesty's gracious intentions, as aforesaid, and of providing for the due execution of the same in all time to come, *Be it enacted by the authority aforesaid*, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor or Lieutenant Governor of each of the said Provinces respectively, or the person administering the Government therein, to make, from and out of the lands of the Crown within such Provinces, such allotment and appropriation of lands, for the support and maintenance of a Protestant Clergy within the same, as may bear a due proportion to the amount of such lands within the same as have at any time been granted by or under the authority of His Majesty: And that whenever any grant of lands within either of the said Provinces shall hereafter be made, by or under the authority of His Majesty, His Heirs or Successors, there shall at the same time be made, in respect of the same, a proportionable allotment and appropriation of lands for the above mentioned purpose, within the Township or Parish to which such lands so to be granted shall appertain or be annexed, or as nearly adjacent thereto as circumstances will admit; and that no such grant shall be valid or effectual unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted; and that such lands, so allotted and appropriated, shall be, as nearly as the circumstances and nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be, as nearly as the same can be estimated at the time of making such grant, equal in value to the seventh part of the lands so granted.

His Majesty's message to Parliament recited.

His Majesty may authorize the Governor to make allotments of lands for the support of a Protestant Clergy in each Province;

XXXVII. *And be it further enacted by the authority aforesaid*, That all and every the rents, profits, or emoluments, which may at any time arise from such lands, so allotted and appropriated, as aforesaid, shall be applicable solely to the maintenance and support of a Protestant Clergy, within the Province in which the same shall be situated, and to no other use or purpose whatever.

and the rents arising from such allotments to be applicable to that purpose solely.

XXXVIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for His Majesty, His Heirs and Successors, to authorize the

His Majesty may authorize the Governor, with the advice of the Executive Council, to erect Parsonages, and endow them,

the Governor or Lieutenant Governor of each of the said Provinces respectively, or the person administering the Government therein, from time to time, with the advice of such Executive Council as shall have been appointed by His Majesty, His Heirs or Successors, within such Province, for the affairs thereof, to constitute and erect, within every Township or Parish which now is or hereafter may be formed, constituted, or erected within such Province, one or more Parsonage or Rectory, or Parsonages or Rectories, according to the establishment of the Church of England; and from time to time, by instrument under the Great Seal of such Province, to endow every such Parsonage or Rectory with so much or such a part of the lands so allotted and appropriated, as aforesaid, in respect of any lands within such Township or Parish, which shall have been granted subsequent to the commencement of this Act, or of such lands as may have been allotted and appropriated for the same purpose, by or in virtue of any instruction which may be given by His Majesty, in respect of any lands granted by His Majesty before the commencement of this Act, as such Governor, Lieutenant Governor, or Person administering the Government, shall, with the advice of the said Executive Council, judge to be expedient under the then existing circumstances of such Township or Parish.

and the Governor to present incumbents to them, who are to enjoy the same, as incumbents in England.

XXXIX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for His Majesty, His Heirs or Successors, to authorize the Governor, Lieutenant Governor, or Person administering the Government of each of the said Provinces respectively, to present to every such Parsonage or Rectory an Incumbent or Minister of the Church of England, who shall have been duly ordained according to the rights of the said Church, and to supply from time to time such vacancies as may happen therein; and that every person so presented to any such Parsonage or Rectory, shall hold and enjoy the same, and all rights, profits, and emoluments thereunto belonging or granted, as fully and amply, and in the same manner, and on the same terms and conditions, and liable to the performance of the same duties, as the Incumbent of a Parsonage or Rectory in England.

Presentations to Parsonages, and the enjoyment of them, to be subject to the jurisdiction granted to the Bishop of Nova Scotia, &c.

XL. *Provided always, and be it further enacted by the authority aforesaid*, That every such presentation of an Incumbent or Minister to any such Parsonage or Rectory, and also the enjoyment of any such Parsonage or Rectory, and of the rights, profits, and emoluments thereof, by any such Incumbent or Minister, shall be subject and liable to all rights of institution, and all other spiritual and ecclesiastical jurisdiction and authority, which have been lawfully granted by His Majesty's Royal Letters Patent to the Bishop of Nova Scotia, or which may hereafter, by His Majesty's Royal authority, be lawfully granted or appointed to be administered and executed within the said Provinces, or either of them respectively, by the said Bishop of Nova Scotia, or by any other person or persons, according to the Laws and Canons of the Church of England, which are lawfully made and received in England.

Provisions respecting the allotment of lands for the support of a Protestant Clergy, &c.

XLI. *Provided always, and be it further enacted by the authority aforesaid*, That the several provisions herein before contained, respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the

the said Provinces, and also respecting the constituting, erecting, and endowing Parsonages or Rectories within the said Provinces, and also respecting the presentation of Incumbents or Ministers to the same, and also respecting the manner in which such Incumbents or Ministers shall hold and enjoy the same, shall be subject to be varied or repealed by any express provisions for that purpose, contained in any Act or Acts which may be passed by the Legislative Council and Assembly of the said Provinces respectively, and assented to by His Majesty, His Heirs or Successors, under the restriction herein after provided.

may be varied or repealed by the Legislative Council and Assembly.

XLII. Provided nevertheless, and be it further enacted by the authority aforesaid, That whenever any Act or Acts shall be passed by the Legislative Council and Assembly of either of the said Provinces, containing any provisions to vary or repeal the above recited declaration and provision contained in the said Act passed in the fourteenth year of the Reign of His present Majesty; or to vary or repeal the above recited provision contained in His Majesty's Royal instructions, given on the third day of January, in the year of our Lord one thousand seven hundred and seventy-five, to the said Guy Carleton, Esquire, now Lord Dorchester; or to vary or repeal the provisions herein before contained for continuing the force and effect of the said declaration and provisions: or to vary or repeal any of the several provisions herein before contained respecting the allotment and appropriation of lands for the support of a Protestant Clergy within the said Provinces; or respecting the constituting, erecting, or endowing Parsonages or Rectories within the said Provinces; or respecting the presentation of Incumbents or Ministers to the same; or respecting the manner in which such Incumbents or Ministers shall hold and enjoy the same: And also that whenever any Act or Acts shall be so passed, containing any provisions which shall in any manner relate to or affect the enjoyment or exercise of any religious form or mode of worship; or shall impose or create any penalties, burthens, disabilities, or disqualifications in respect of the same; or shall in any manner relate to or affect the payment, recovery, or enjoyment of any of the accustomed dues or rights herein before mentioned; or shall in any manner relate to the granting, imposing, or recovering any other dues, or stipends, or emoluments whatever, to be paid to or for the use of any Minister, Priest, Ecclesiastic, or Teacher, according to any religious form or mode of worship, in respect of his said office or function; or shall in any manner relate to or affect the establishment or discipline of the Church of England, amongst the Ministers and Members thereof within the said Provinces; or shall in any manner relate to or affect the King's prerogative touching the granting of waste lands of the Crown within the said Provinces; every such Act or Acts shall, previous to any declaration or signification of the King's assent thereto, be laid before both Houses of Parliament in Great Britain; and that it shall not be lawful for His Majesty, His Heirs or Successors, to signify his or their assent to any such Act or Acts, until thirty days after the same shall have been laid before the said Houses, or to assent to any such Act or Acts, in case either House of Parliament shall, within the said thirty days, address His Majesty, His Heirs or Successors, to withhold his or their assent from such Act or Acts; and that no such Act shall be valid or effectual to any of the said purposes, within either of the said Provinces, unless the Legislative Council and Assembly

Acts of the Legislative Council and Assembly, containing provisions to the effect herein mentioned to be laid before Parliament, previous to receiving His Majesty's assent, &c.

of such Province shall, in the session in which the same shall have been passed by them, have presented to the Governor, Lieutenant Governor or Person administering the Government of such Province, an address or, addresses, specifying that such Act contains provisions for some of the said purposes herein before specially described, and desiring that, in order to give effect to the same, such Act should be transmitted to England without delay, for the purpose of being laid before Parliament previous to the signification of His Majesty's assent thereto.

Lands in Upper Canada to be granted in free and common soccage, and also in Lower Canada, if desired.

XLIII. *And be it further enacted by the authority aforesaid,* That all lands which shall be hereafter granted within the said Province of Upper Canada, shall be granted in free and common soccage, in like manner as lands are now holden in free and common soccage, in that part of Great Britain called England; and that in every case where lands shall be hereafter granted within the said Province of Lower Canada, and where the grantee thereof shall desire the same to be granted in free and common soccage, the same shall be so granted; but subject nevertheless to such alterations, with respect to the nature and consequences of such tenure of free and common soccage, as may be established by any Law or Laws which may be made by His Majesty, His Heirs or Successors, by and with the advice and consent of the Legislative Council and Assembly of the Province.

Persons holding lands in Upper Canada, may have fresh grants.

XLIV. *And be it further enacted by the authority aforesaid,* That if any person or persons holding any lands in the said Province of Upper Canada, by virtue of any certificate of occupation derived under the authority of the Governor and Council of the Province of Quebec, and having power and authority to alienate the same, shall, at any time, from and after the commencement of this Act, surrender the same into the hands of His Majesty, His Heirs or Successors, by petition to the Governor, or Lieutenant Governor, or Person administering the Government of the said Province, setting forth that he, she, or they is or are desirous of holding the same in free and common soccage, such Governor, or Lieutenant Governor, or Person administering the Government, shall thereupon cause a fresh grant to be made to such person or persons of such lands, to be holden in free and common soccage.

Such fresh grants not to bar any right or title to the lands.

XLV. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That such surrender and grant shall not avoid or bar any right or title to any such lands so surrendered, or any interest in the same, to which any person or persons, other than the person or persons surrendering the same, shall have been entitled, either in possession, remainder, or reversion, or otherwise, at the time of such surrender; but that every such surrender and grant shall be made subject to every such right, title, and interest, and that every such right, title, or interest, shall be as valid and effectual as if such surrender and grant had never been made.

18 Geo. 3d, c 22, recited.

XLVI. And whereas, by an Act passed in the eighteenth year of the Reign of His present Majesty, intituled, "An Act for removing all doubts and apprehensions concerning taxation by the Parliament of Great Britain,

in

in any of the Colonies, Provinces, and Plantations, in North America, and the West Indies; and for repealing so much of an Act, made in the seventh year of the Reign of His present Majesty, as imposes a duty on tea imported from Great Britain into any Colony or Plantation in America, or relates thereto," it has been declared, "That the King and Parliament of Great Britain will not impose any duty, tax, or assessment whatever, payable in any of His Majesty's Colonies, Provinces, and Plantations in North America, or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce, the net produce of such duties to be always paid and applied to and for the use of the Colony, Province, or Plantation, in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective General Courts or General Assemblies of such Colonies, Provinces, or Plantations, are ordinarily paid and applied." And whereas, it is necessary, for the general benefit of the British Empire, that such power of regulation of commerce should continue to be exercised by His Majesty, His Heirs or Successors, and the Parliament of Great Britain, subject nevertheless to the conditions herein before recited, with respect to the application of any duties which may be imposed for that purpose: *Be it therefore enacted by the authority aforesaid*, That nothing in this Act contained shall extend, or be construed to extend, to prevent or affect the execution of any Law which hath been or shall at any time be made by His Majesty, His Heirs or Successors, and the Parliament of Great Britain, for establishing regulations or prohibitions, or for imposing, levying, or collecting duties for the regulation of navigation, or for the regulation of the commerce to be carried on between the said two Provinces, or between either of the said Provinces and any other part of His Majesty's dominions, or between either of the said Provinces and any Foreign Country or State, or for appointing and directing the payment of drawbacks of such duties so imposed, or to give to His Majesty, His Heirs or Successors, any power or authority, by and with the advice and consent of such Legislative Councils and Assemblies respectively, to vary or repeal any such Law or Laws, or any part thereof, or in any manner to prevent or obstruct the execution thereof.

This Act not to prevent the operation of any Act of Parliament, establishing prohibitions or imposing duties for the regulation of navigation and commerce, &c.

XLVII. *Provided always, and be it enacted by the authority aforesaid*, That the net produce of all duties which shall be so imposed, shall, at all times hereafter be applied to and for the use of each of the said Provinces respectively, and in such manner only as shall be directed by any Law or Laws which may be made by His Majesty, His Heirs or Successors, by and with the advice and consent of the Legislative Council and Assembly of such Province.

Such duties to be applied to the use of the respective Provinces.

XLVIII. And whereas, by reason of the distance of the said Provinces from this country, and of the change to be made by this Act in the Government thereof, it may be necessary that there should be some interval of time between the notification of this Act to the said Provinces respectively, and the day of its commencement within the said Provinces respectively; *Be it therefore enacted by the authority aforesaid*, That it shall and may be lawful for His Majesty, with the advice of the Privy Council, to fix and declare,

His Majesty in Council to fix and declare the commencement of this Act, &c.

clare, or to authorize the Governor or Lieutenant Governor of the Province of Quebec, or the Person administering the Government there, to fix and declare the day of the commencement of this Act within the said Provinces respectively, provided that such day shall not be later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-one.

Time for issuing the writs of summons and election, &c. not to be later than December 31, 1792.

XLIX. *And be it further enacted by the authority aforesaid,* That the time to be fixed by His Majesty, His Heirs or Successors, or under his or their authority by the Governor, Lieutenant Governor, or Person administering the Government in each of the said Provinces respectively, for issuing the writs of summons and election, and calling together the Legislative Councils and Assemblies of each of the said Provinces respectively, shall not be later than the thirty-first day of December, in the year of our Lord one thousand seven hundred and ninety-two.

Between the commencement of this Act, and the first meeting of the Legislative Council and Assembly, temporary Laws may be made.

L. *Provided always, and be it further enacted by the authority aforesaid,* That during such interval as may happen between the commencement of this Act, within the said Provinces respectively, and the first meeting of the Legislative Council and Assembly of each of the said Provinces respectively, it shall and may be lawful for the Governor or Lieutenant Governor of such Province, or for the Person administering the Government therein, with the consent of the major part of such Executive Council as shall be appointed by His Majesty for the affairs of such Province, to make temporary Laws and Ordinances for the good Government, peace, and welfare of such Province, in the same manner, and under the same restrictions, as such Laws or Ordinances might have been made by the Council for the affairs of the Province of Quebec, constituted by virtue of the above mentioned Act of the fourteenth year of the Reign of His present Majesty; and that such temporary Laws or Ordinances shall be valid and binding within such Province. until the expiration of six months after the Legislative Council and Assembly of such Province shall have been first assembled by virtue of and under the authority of this Act; subject nevertheless to be sooner repealed or varied by any Law or Laws which may be made by His Majesty, His Heirs or Successors, by and with the advice and consent of the said Legislative Council and Assembly.

C H A P. CXXXVIII.

An Act for extending the Jurisdiction of the Courts of Justice in the Provinces of Lower and Upper Canada, to the trial and punishment of persons guilty of crimes and offences within certain Parts of North America adjoining to the said Provinces.

[11th August, 1803.]

WHEREAS, crimes and offences have been committed in the Indian Territories, and other parts of America, not within the limits of the Provinces

Provinces of Lower or Upper Canada, or either of them, or of the jurisdiction of any of the Courts established in those Provinces, or within the limits of any Civil Government of the United States of America, and are therefore not cognizable by any jurisdiction whatever, and by reason thereof, great crimes and offences have gone and may hereafter go unpunished, and greatly increase: For remedy whereof, may it please your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled. and by the authority of the same, That from and after the passing of this Act, all offences committed within any of the Indian Territories, or parts of America not within the limits of either of the said Provinces of Lower or Upper Canada, or of any Civil Government of the United States of America, shall be, and be deemed to be, offences of the same nature, and shall be tried in the same manner and subject to the same punishment, as if the same had been committed within the Provinces of Lower or Upper Canada.

Offences committed within any of the Indian Territories, &c. shall be tried in the same manner as if committed within the Provinces of Lower or Upper Canada.

II. *And be it further enacted*, That it shall be lawful for the Governor, or Lieutenant Governor, or Person administering the Government for the time being of the Province of Lower Canada, by Commission under his Hand and Seal, to authorize and empower any person or persons wheresoever resident or being at the time, to act as Civil Magistrates and Justices of the Peace for any of the Indian Territories or parts of America not within the limits of either of the said Provinces, or of any Civil Government of the United States of America, as well as within the limits of either of the said Provinces, either upon informations taken or given within the said Provinces of Lower or Upper Canada, or out of the said Provinces, in any part of the Indian Territories or parts of America aforesaid, for the purpose only of hearing crimes and offences, and committing any person or persons guilty of any crime or offence to safe custody, in order to his or their being conveyed to the said Province of Lower Canada, to be dealt with according to Law; and it shall be lawful for any person or persons whatever, to apprehend and take before any persons so commissioned, as aforesaid, or to apprehend and convey, or cause to be safely conveyed, with all convenient speed, to the Province of Lower Canada, any person or persons guilty of any crime or offence, there to be delivered into safe custody for the purpose of being dealt with according to Law.

The Governor of Lower Canada may empower persons to act as Justices for the Indian Territories, &c. for committing offenders till conveyed to Canada for trial, &c.

III. *And be it further enacted*, That every such offender may and shall be prosecuted and tried in the Courts of the Province of Lower Canada, (or if the Governor or Lieutenant Governor, or Person administering the Government for the time being, shall, from any of the circumstances of the crime or offence, or the local situation of any of the witnesses for the prosecution or defence, think that justice may more conveniently be administered in relation to such crime or offence in the Province of Upper Canada, and shall, by any instrument under the Great Seal of the Province of Lower Canada, declare the same, then that every such offender may and shall be prosecuted and tried in the Court of the Province of Upper Canada,) in which crimes or offences of the like nature are usually tried, and where the

Place and manner of trial of such offenders.

same

same would have been tried if such crime or offence had been committed within the limits of the Province where the same shall be tried under this Act; and every offender tried and convicted under this Act, shall be liable and subject to such punishment as may, by any Law in force in the Province where he or she shall be tried, be inflicted for such crime or offence; and such crime or offence may and shall be laid and charged to have been committed within the jurisdiction of such Court, and such Court may and shall proceed therein to trial, judgment, and execution, or other punishment for such crime or offence, in the same manner in every respect as if such crime or offence had been really committed within the jurisdiction of such Court; and it shall also be lawful for the Judges and other officers of the said Courts, to issue subpoenas and other processes for enforcing the attendance of witnesses on any such trial; and such subpoenas and other processes shall be as valid and effectual and be in full force and put in execution, in any parts of the Indian Territories, or other parts of America out of and not within the limits of the Civil Government of the United States of America, as well as within the limits of either of the said Provinces of Lower or Upper Canada, in relation to the trial of any crimes or offences by this Act made cognizable in such Court, or to the more speedily and effectually bringing any offender or offenders to justice under this Act, as fully and amply as any subpoenas or other processes are, within the limits of the jurisdiction of the Court from which any such subpoenas or processes shall issue as aforesaid: any Act or Acts, Law or Laws, custom, usage, matter, or thing to the contrary notwithstanding.

Offenders not being subjects of His Majesty, and also within the limits, belonging to any European State, shall be acquitted.

IV. *Provided always, and be it further enacted* That if any crime or offence charged and prosecuted under this Act, shall be proved to have been committed by any person or persons not being a subject or subjects of His Majesty, and also within the limits of any Colony, Settlement, or Territory belonging to any European State, the Court before which such prosecution shall be had, shall forthwith acquit such person or persons, not being such subject or subjects as aforesaid, of such charge.

But subjects to His Majesty shall be tried, although offence be committed in another European State.

V. *Provided nevertheless,* That it shall and may be lawful for such Court to proceed in the trial of any other person, being a subject or subjects of His Majesty, who shall be charged with the same or any other offence, notwithstanding such offence shall appear to have been committed within the limits of any Colony, Settlement, or Territory belonging to any European State as aforesaid.

ORDINANCES

OF THE

LATE PROVINCE OF QUEBEC.

IT appears, on a revision of the Ordinances of the late Province of Quebec, that none of them remain in force in this Province, unless it be the 2d and 4th clauses in an Ordinance passed in the 17th year of George 3. ch 7, entitled "An Ordinance to prevent the selling of Strong Liquors to the Indians in the Province of Quebec, as also to deter persons from buying their Arms or Clothing, and for other purposes relative to the trade and intercourse with the said Indians" which prohibits the purchase of Indian Presents, and whereby it is enacted "That from and after the publication of this Ordinance, no person or persons whatsoever shall purchase, or receive in pledge, or in exchange, any cloaths, blankets, fire-arms, or ammunition, belonging to any Indian or Indians within this Province, under a penalty of five pounds, and imprisonment for any time not exceeding one month, for the first offence, and of ten pounds, and imprisonment for any time not exceeding two months, for the second and every other subsequent offence."

"That it shall and may be lawful for any person or persons whatsoever, to sue for the penalties and forfeitures aforesaid, by information before one or more of the Commissioners of the Peace of the District in which any offence against any of the above articles of this Ordinance shall have been committed, who is and are hereby authorised and required to hear and determine such information in a summary manner, and upon the oath of one credible witness, (being some other than the informer himself,) and to inflict the said imprisonment, and to levy the said penalties or forfeitures, together with the costs of suing for the same, by a warrant to seize and sell the goods or lands of the offenders. *Provided always,* That such informations shall be brought within six calendar months from the time the offence shall have been committed, and not after."

And that part of the Ordinance passed in the 29th year of George the 3d, c 3, entitled "An Act to continue an Ordinance regulating the Practice of the Law, and to provide more effectually for the dispensation of Justice, and especially in the new Districts" which enacts "That simple larceny, when the goods stolen shall not in value exceed twenty shillings sterling money of Great Britain, shall be deemed and adjudged only petty larceny."

In 1824 C. 6.

THE
PROVINCIAL STATUTES
OF
UPPER-CANADA,
REVISED, CORRECTED, AND REPUBLISHED
BY
AUTHORITY.



SAMUEL SMITH, Esquire, ADMINISTRATOR.

Y O R K :
PRINTED BY R. C. HORNE.
1 8 1 3.

PROCLAMATION.



DORCHESTER, G.

GEORGE the THIRD by the Grace of God, of Great Britain, France, and Ireland, King, Defender of the Faith, and so forth. To all our loving Subjects whom these Presents may concern, Greeting :

WHEREAS, our Province of Quebec stands at present divided only into two Districts, and by virtue of two certain Acts or Ordinances, the one passed by our Governor and the Legislative Council, in the twenty-seventh year of our Reign, and the other in the present year, provision is made for forming and organizing one or more new Districts ; NOW therefore know ye, that our Governor of our said Province, by the advice and consent of our Council of our said Province, and in pursuance of the Acts and Ordinances aforesaid, hath formed and doth hereby form the several new Districts herein after described and named, to wit, the District of Lunenburg, bounded on the East by the Eastern Limit of a Tract lately called or known by the name of Lancaster, protracted northerly and southerly as far as our said Province extends, and bounded westerly by a North and South Line intersecting the mouth of the River Gananoque, now called the Thames, above the Riffs of the Saint Lawrence, and extending southerly and northerly to the Limits of our said Province, therein comprehending the several Towns or Tracts called or known by the names of Lancaster, Charlottenburg, Cornwall, Osnabruck, Williamsburg, Matilda, Edwardsburg, Augusta, and Elizabethtown ; and also, one other District to be called the District of Mecklenburg, extending within the North and South Bounds of our said Province, from the Western Limits of the said District of Lunenburg as far westerly as to a North and South Line intersecting the mouth of a River now called the Trent, discharging itself from the West into the head of the Bay of Quinty, and therein comprehending the several Towns or Tracts called or known by the names of Pittsburg, Kingstown, Ernestown, Fredericksburg, Adolphustown, Marysburg, Sophiasburg, Ameliasburg, Sydney, Thurlow, Richmond, and Camden ; and also, one other District to be called the District of Nassau, extending within the North and South Bounds of our said Province, from the Western Limit of the last mentioned District so far westerly as to a North and South Line intersecting the extreme projection of Long Point into the Lake Erie, on the northerly side of the said Lake Erie ; and also, one other District to be called the District of Hesse, which is to comprehend all the residue of our said Province in the Western or inland parts thereof, of the entire breadth thereof, from the Southerly to the Northerly Boundary of the same ; and also, one other District to be called the District of Gaspé, and to comprehend all that part of our said Province on the southerly side of St. Lawrence, to the eastward of a North and South Line intersecting the north-easterly side of Cape Cat, which is on the southerly side of the said River, of which all our loving Subjects are to take due Notice, and govern themselves accordingly.

IN Testimony whereof, WE have caused these our Letters to be made Patent, and the Great Seal of our said Province to be hereunto affixed. Witness our trusty and well-beloved GUY, LORD DORCHESTER, Captain General and Governor in Chief of our said Province, at our Castle of Saint Lewis, in our City of Quebec, the twenty-fourth day of July, in the year of our Lord one thousand seven hundred and eighty-eight, and of our Reign the twenty-eighth.

GEO. POWNALL, Sec'y.

STATUTES

OF

UPPER - CANADA

PASSED IN THE *FIRST* SESSION OF THE *FIRST* PROVINCIAL
PARLIAMENT,

MET AT NIAGARA, ON THE SEVENTEENTH DAY OF SEPTEMBER, AND PROROGUED ON THE
FIFTEENTH DAY OF OCTOBER FOLLOWING, IN THE THIRTY-SECOND
YEAR OF THE REIGN OF GEORGE III.

JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

ANNO DOMINI 1792.

C H A P. I.

AN ACT to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "*An Act for making more effectual Provision for the Government of the Province of Quebec in North America and to introduce the ENGLISH LAW as the Rule of Decision in all matters of Controversy, relative to Property and Civil Rights.*"

[15th October, 1792.]

WHEREAS, by an Act passed in the fourteenth year of his present Majesty, intituled, "an Act for making more effectual Provision for the Government of the Province of Quebec, in North America," it was, among other things, provided, "That in all matters of controversy relative to property and civil rights, resort should be had to the Laws of Canada as the rule for the decision of the same;" such Provision being manifestly and avowedly intended for the accommodation of His Majesty's Canadian Subjects: *And Whereas*, since the passing of the Act aforesaid, that part of the late Province of Quebec, now comprehended within the Province of Upper-Canada, having become inhabited principally by British Subjects, born and educated in Countries where the English Laws were established, and who are unaccustomed to the Laws of Canada, it is inexpedient that the Provision aforesaid, contained in the said Act of the fourteenth year of his present Majesty

Preamble.
Recital of Act 14 Geo.
III. c 83.

jesty, should be continued in this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, the said provision contained in the said Act, of the fourteenth year of his present Majesty, be, and the same is hereby repealed; and the authority of the said Laws of Canada, and every part thereof, as forming a Rule of Decision in all matters of controversy relative to property and civil rights, shall be annulled, made void and abolished, throughout this Province, and that the said Laws, nor any part thereof as such, shall be of any force or authority within the said Province, nor binding on any of the inhabitants thereof.

The same repealed in so far as it constitutes the laws of Canada a rule of decision, in matters of controversy, relative to property and civil rights:

without affecting claims on real property or contracts or securities already executed.

II. *Provided always, and be it enacted by the authority aforesaid,* That nothing in this Act shall extend to extinguish, release or discharge, or otherwise to affect any existing right, lawful claim or incumbrance, to and upon any lands, tenements or hereditaments within the said Province, or to rescind or vacate, or otherwise to affect any contract or security already made and executed conformably to the usages prescribed by the said Laws of Canada.

The laws of England to be henceforth the rule of decision.

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, in all matters of controversy relative to property and civil rights, resort shall be had to the Laws of England, as the rule for the decision of the same.

But the Ordinances of the Province of Quebec are no further repealed than as by this Act they are necessarily varied.

IV. *Provided always, and be it enacted by the authority aforesaid,* That nothing in this Act shall extend, or be construed to extend, to repeal or vary any of the Ordinances made and passed by the Governor and Legislative Council of the Province of Quebec, previous to the division of the same into the Provinces of Upper and Lower-Canada, otherwise than as they are necessarily varied by the provisions herein mentioned.

The rules of evidence to be regulated by those established in England.

V. *And be it further enacted by the authority aforesaid,* That all matters relative to testimony and legal proof in the investigation of fact, and the forms thereof, in the several Courts of Law and Equity within this Province, be regulated by the rules of evidence established in England.

But no alteration is made in the subsisting provisions respecting ecclesiastical rights or dues, or the jurisdiction of courts of justice or to introduce any of the poor or bankrupt laws.

VI. *Provided always, and be it enacted by the authority aforesaid,* That nothing in this Act contained, shall vary, or interfere, or be construed to vary or interfere with any of the subsisting provisions respecting Ecclesiastical rights or dues within this Province, or with the forms of proceeding in civil actions, or the jurisdiction of the Courts already established, or to introduce any of the Laws of England respecting the maintenance of the Poor, or respecting Bankrupts.

C H A P. II.

AN ACT to establish TRIALS by JURY.

WHEREAS, the Trial by Jury has been long established and approved in our Mother Country, and is one of the chief benefits to be attained by a free Constitution ; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, " An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the first day of December, in this present year of Our Lord one thousand seven hundred and ninety-two, all and every Issue and Issues of fact, which shall be joined in any action, real, personal or mixed, and brought in any of His Majesty's Courts of Justice within the Province aforesaid, shall be tried and determined by the unanimous Verdict of twelve Jurors, duly sworn for the trial of such Issue or Issues, which Jurors shall be summoned and taken conformably to the Law and Custom of England.

Preamble.

All issues of fact to be determined by the verdict of 12 jurors conformably to the law & custom of England. (See 34 Geo. III. c 1.)

II. *Provided always, and be it further enacted by the authority aforesaid, That nothing herein contained shall prevent, or be construed to prevent the said Jurors, in all cases where they shall be so minded, from bringing in a Special Verdict.*

Who may bring in a special verdict.

C H A P. III.

An Act to Establish the WINCHESTER MEASURE, and a Standard for other Weights and Measures throughout this Province.

WHEREAS, an uniformity of Weights and Measures is much desired in this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, " An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the First day of May, in the year of our Lord one thousand seven hundred and ninety-three, there shall be one just Beam or Balance, one certain Weight and Measure, and one Yard, according to the Standard of His Majesty's Exchequer in England, used throughout this Province ; and whoever shall keep any other Weight, Measure or Yard, whereby any Corn, Grain, or other thing is bought or sold, shall forfeit for every offence Two Pounds, Quebec Cur-

Preamble.

Standard for weights and measures.

Penalty for not complying.

How levied & applied.

rency, being thereof convicted before any two Justices of the Peace, to be levied by distress and sale of the offender's goods, one half of which penalty shall be paid to the informer or informers, and the other half to His Majesty, his Heirs and Successors, for the public use of the said Province, and towards the support of the Government thereof.

Persons appointed to mark measures.

II. *And be it further enacted by the authority aforesaid*, That from and after the day above-mentioned, there shall be appointed certain judicious persons in every District throughout this Province, by the Magistrates in Quarter Sessions assembled, in and for such District, to ascertain the bushel, half bushel, or other measure by which Grain or other dry articles shall be bought or sold, and who shall mark and seal such bushel, half bushel, or other measure, with the letters and figures G. III. R. and receive for the same the sum of four pence Quebec Currency, without which letters and figures, no measure for Grain or other dry articles shall be used for the purposes aforesaid, under the penalty above-mentioned.

How marked.

Penalty, if not marked.

When this Act commences in the Western District.

III. *Provided always*, That this Act, and the provisions and penalties therein contained, shall not extend, or be construed to extend to the Western District, in this Province, until the twenty-fifth day of October, which will be in the year of our Lord one thousand seven hundred and ninety-three.

C H A P. IV.

AN ACT to Abolish the Summary Proceedings of the Courts of Common Pleas in Actions under TEN POUNDS Sterling.

Preamble.

WHEREAS, the introduction of the Trial by Jury hath materially altered the Constitution of the Courts of Common Pleas, held for the Trial of causes under the value of Ten Pounds Sterling, so that their times of sitting and forms of process must become manifestly inconvenient; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, all causes of action that exceed in value the sum of Forty Shillings, Quebec Currency, shall be commenced and proceeded in, at the same times, and in the same manner, as is directed for the Trial of causes above Ten Pounds Sterling.

How to proceed in actions above 40s

C H A P. V.

AN ACT to prevent Accidents by FIRE in this Province.

WHEREAS, the Inhabitants of the Province of Upper-Canada are liable to receive great injuries from accidental Fires that may happen therein; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of November, in the year of our Lord one thousand seven hundred and ninety-two, it shall and may be lawful for the Magistrates of each and every District in this Province, in Quarter Sessions assembled, to make such orders and regulations for the prevention of accidental Fires within the same, as to them shall seem meet and necessary, and to appoint Fire-men, or other Officers for the prevention of accidental Fires, or for the purpose of extinguishing the same, when such may happen; and to make such orders and regulations as to them may seem fit or necessary, in any Town or Towns, or other place or places, in each District within this Province, where there may be forty Store-Houses and Dwelling-Houses within the space of half a mile square.

Preamble.

Magistrates in Quarter Sessions authorized to make regulations to prevent accidental fires where 40 store & dwelling houses are erected within half a mile square

C H A P. VI.

AN ACT for the more Easy and Speedy Recovery of SMALL DEBTS.

WHEREAS, it will contribute to the conveniency of the Inhabitants of this Province, to have an easy and speedy method of recovering small Debts; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any two or more Justices of the Peace, acting under and by virtue of His Majesty's commission within the respective limits of their said commissions, to assemble, sit and hold a Court of Justice, to be called a Court of Requests, on the first and third Saturday in every month, at some fixed place within their respective divisions, which division shall be ascertained and limited by the Justices assembled in their General Quarter Sessions,

Preamble.

Two or more Justices may hold a Court of Requests on the 1st & 3d Saturday of every month, within their respective divisions, to be ascertained in Quarter Sessions,

and give judgment and
award execution there-
upon as shall seem just.

Sessions, or the greater part of them, and the place for holding the said Court shall be fixed by the Justices acting in and for the said division, or the greater part of them : and the said Justices are hereby declared, constituted and appointed to be Commissioners to hear and determine all such matters of Debt as are hereinafter mentioned ; and shall have power and authority, by virtue of this Act, to give Judgment, and decree and award execution thereupon, with such costs as shall be hereinafter specified, against the goods and chattels of all and every the person and persons against whom they shall give any Judgment or decree, as to them shall seem just in Law and Equity.

II. [Repealed by 56 George III. c. 5, s.1.]

May administer an
oath to either party, &
to their witnesses ; and
also officers of the Court

III. And, for the more due and regular proceedings in the said Court, *it is hereby further enacted*, That it shall and may be lawful for the said Justices to administer an Oath to the Plaintiff or Defendant, as well as to such Witness or Witnesses as shall be produced by each party, and also to all the Officers of the said Court, when the said Justices shall think it meet.

Perjury punished as
by 5 Eliz.

IV. *And be it further enacted by the authority aforesaid*, That in case any person or persons shall make Oath or give Evidence, in any cause depending before the said Justices in the said Court, whereby he or they shall commit wilful or corrupt perjury, and thereof be duly convicted according to Law, that such person or persons shall suffer the pains and penalties inflicted on wilful and corrupt perjury, by the Statute passed in the fifth year of the Reign of Queen Elizabeth.

Commissioners shall
be sworn.

V. *And be it further enacted by the authority aforesaid*, That no person or persons shall be capable of acting as a Commissioner or Commissioners in the execution of the power given by this Act, until such time as he or they shall respectively have taken an Oath, to the effect following :

Oath.

"I, A. B. do Swear, that I will faithfully, impartially and honestly, according to the best of my judgment, hear and determine such matters and things as shall be brought before me, by virtue of an Act of the Legislature of this Province, intituled 'An Act for the more easy and speedy recovery of Small Debts.' without favor or affection to either party—SO HELP ME GOD."

Fees.

VI. *And be it further enacted by the authority aforesaid*, That the several Fees and sums of money hereinafter limited and expressed, and no more, shall and may be taken :—For every Summons, six pence ; for every Judgment, two shillings ; for every Execution, two shillings ; for every Subpœna, six pence ; for every Copy of Judgment, if demanded, one shilling ; the allowance to be paid to all and every of the Witnesses, to be left to the discretion of the Justices, but not to exceed two shillings and sixpence per day to each Witness ; and for serving every Summons or Subpœna, within one mile of the Justice's house, one shilling ; and for every mile in travelling to execute the same, when the distance exceeds one mile, four pence ; for serving a Writ of Execution, seizing and selling Effects and making Return, two shillings.

(See 37th Geo. III. c 6, s 7 ; 38th do. c 3 ; 42d do. c 2, s 1 ; and 56h do. c 5.)

C H A P. VII.

An Act to regulate the TOLL to be taken in MILLS.

[15th October, 1792.]

WHEREAS, it is expedient to ascertain and determine the quantity of Grain to be taken by way of Toll, for grinding the said grain into flour and bolting the same, and whereas, different customs have obtained within the several Districts of this Province, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of January, in the year of our Lord one thousand seven hundred and ninety three, no owner or occupier, or owners or occupiers of any Mill or Mills within this Province, or any person employed by him or them, shall demand, take or receive any quantity or proportion of Grain, brought to him or them to be ground and bolted, greater than One Twelfth share or part, for grinding and bolting such Grain.

Preamble.

No greater proportion to be taken for grinding and bolting grain than one 12th.

II. *And be it further enacted by the authority aforesaid*, That any owner or occupier, or owners or occupiers of a Mill or Mills within the said Province, or any person employed by him or them, who shall demand and take, after the day and year abovementioned, any quantity or proportion of Grain, greater than one twelfth share or part of such Grain as aforesaid, shall, for every such offence, forfeit and pay the sum of Ten Pounds, Quebec currency; one moiety thereof to His Majesty, his Heirs and Successors, for the public uses of the said Province, and the support of the government thereof; and the other moiety of the said sum to any person who shall sue for the same in any of His Majesty's Courts of Record within this Province.

Penalty,

how levied & applied.

III. *And whereas*, much inconvenience and confusion has arisen from the custom of bringing bags of grain, without any distinguishing mark to whom the said bags of grain belong, *Be it enacted by the authority aforesaid*, That no owner or occupier of any Mill shall be bound to receive, or be chargeable with the loss of any bag or bags of grain or flour, unless the same be marked with the initial letters of the Christian and Surname of the owner of the said grain, or with some mark distinguishing the said bag or bags, which mark of distinction shall be previously communicated and made known to the said owner or occupier, or his servant usually attending the said Mill.

Bags must be marked

Annual town meetings to be holden, assembled by warrant of two magistrates,

when;

(a) (January—See 57 Geo. III. c 7, s 2)

for the purpose of choosing parish & town officers.

be lawful, as soon as conveniently may be, after the passing of this Act, for any two of His Majesty's Justices of the Peace, acting within the division in which any parish, township, reputed township, or place may be, to issue their Warrant, giving eight days previous notice, to the Constable of such parish, township, reputed township, or place, authorizing him, on a day to be fixed by the said Justices in the present year, and on the first Monday in the month of *March* (a) in every ensuing year, to assemble the Inhabitant Household-ers, paying or liable to pay to any public assessment or rate of such parish, township, reputed township, or place, in the parish church or chapel, or in some convenient place within the said parish, township, reputed township, or place, for the purpose of choosing and nominating the parish or town officers hereinafter mentioned, to serve in their respective offices for the year next ensuing, at which Meeting the said Constable shall preside.

Election of a parish or town clerk.

Duties of his office.

II. *And be it enacted by the authority aforesaid*, That it shall and may be lawful for the said Inhabitant Household-ers, or the greater part of them so assembled, to choose one fit and proper person from among the Inhabitants to be Clerk of the said parish, town or township, who shall and is hereby required to make a true and complete List of every Male and Female Inhabitant within the limits of his parish, town or township, and return the same to the Justices acting as aforesaid, so as they may produce the said List at the General Quarter Sessions in the month of April to be holden, and the said Clerk shall and is hereby required, to enter and record all such matters, as shall relate to the said parish, town or township, and shall appertain to his office, which records shall be faithfully and carefully kept and preserved by such Clerk, and by him delivered to his successor duly nominated and appointed.

Election and duties of assessors.

III. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Inhabitant Household-ers, in manner aforesaid, to choose two fit and proper persons, from among the said inhabitants, to serve the office of Assessors for the said parish, township, reputed township or place, who shall assess all such rates and taxes, as shall be imposed by any Act or Acts of the Legislature of this Province, and be payable by the Inhabitants thereof.

Election and duties of collector.

IV. And also to choose and nominate in manner aforesaid, one fit and proper person to serve the office of Collector for such parish, township, reputed township, or place, who shall and may, and is hereby authorized, from time to time, to demand and receive from the Inhabitant Household-ers, under the said assessment, such monies as may be due and payable from the said Inhabitants, in respect of the matters aforesaid, which Collector shall account for and pay over the monies so received by him, in such manner as shall be directed by any Act or Acts of the said Legislature, that may authorize the imposing and levying such rates and taxes respectively.

Election and duties of the overseers of the highways.
(b) (Twelve. See 45 Geo. III. c 6.)

V. And also to choose and nominate in manner aforesaid, not less than two, or more than six (b) persons, as shall be specified in the Warrant to be issued by the said Justices, to serve the Office of Overseers of highways and roads, to oversee and perform such things as shall be directed by any Act to be passed, touching or concerning the highways and roads in this Province, which

which said Overseers shall also serve the office of Fence Viewers, and are hereby authorized, and required, upon receiving proper notice, to view and determine upon the height and sufficiency of any Fence or Fences within their respective parish, township, reputed township, or place, conformably to any resolutions, that may be agreed upon by the said inhabitants at such meeting to be holden, under and by virtue of such Warrant as aforesaid.

The sufficiency of fences to be within their cognizance.

VI. And also to choose and nominate in manner aforesaid, a person or persons to serve the office of Pound-keeper, who is hereby authorized to Impound all Cattle, and each and every Horse, Sheep and Hog that shall trespass on the lands of any person, having inclosed the same by such high and sufficient Fence, as shall have been agreed on in manner aforesaid, and also to impound any Stoned Horse, more than one year old, that shall be running at large upon the high ways or commons, and to detain such Horse, until the owner thereof shall have paid the sum of Twenty Shillings, one half to be paid to the person taking such Horse, the other half thereof to the Collector, towards the public stock of the District.

Nomination of pound keeper, and duties incident to his office.

VII. And also to choose and nominate in manner aforesaid, two fit and discreet persons to serve the office of Town Wardens for such parish, township, reputed township, or place; but as soon as there shall be any Church built for the performance of divine service, according to the use of the Church of England, with a Parson or Minister duly appointed thereto, then the said Inhabitant Householders shall choose and nominate one person, and the said Parson or Minister shall nominate one other person, which persons shall jointly serve the office of Church Warden, and that such Town Wardens or Church Wardens, and their successors duly appointed, shall be as a corporation, to represent the whole Inhabitants of the township or parish, and as such may have a property in goods or chattels of or belonging to the said parish, and shall and may sue, prosecute or defend in all presentments, indictments or actions, for, and on the behalf of the Inhabitants of the said parish.

Nomination of town wardens.

Provision in behalf of parish churches when built.

Powers vested in town wardens.

VIII. And be it further enacted by the authority aforesaid, That the Constable presiding at such meeting, shall and is hereby required, to cause a List to be made out, containing the names of the persons chosen and nominated to serve and execute the several Offices herein before mentioned in manner aforesaid, which List shall be signed by the said Constable, who shall forthwith communicate the same to either of the Justices, having signed the Warrant by virtue of which such Meeting was holden, and it shall and may be lawful for either of the said Justices, or for any Justice of the Peace, acting within the division, and he is hereby authorized and empowered to administer an oath of office, to each and every person or persons so chosen and nominated as aforesaid, within seven days after such meeting as aforesaid, in the following form:—

A list of persons nominated at such meeting shall forthwith be communicated to a magistrate of the division.

Who may swear the same into office.

You *A. B.* do promise and swear, that you will faithfully, diligently and justly serve and perform the office and duties of _____ for _____ according to the best of your abilities.—SO HELP YOUR GOD.

Oath.

And that every person having taken such oath, shall be held to be lawfully appointed

Persons sworn shall be held lawfully appointed.

appointed to such office, for which he shall have been chosen and nominated as aforesaid,

Penalty for neglecting or refusing to be sworn into office, after nomination.

Application of such penalties.

Magistrates to name other persons into offices vacant by refusal.

Penalty for refusing such office.

Nomination of a high constable annually, for each District,

and of constables for each Township, &c.

Oath.

Period of exemption from an office after serving the same.

IX. *Provided always*, That any person so chosen and nominated to serve any of the offices herein before mentioned in manner aforesaid, who shall refuse or neglect to signify his consent to enter upon such service, and to take the oath herein before set forth by the space of seven days after such nomination as aforesaid, shall forfeit and pay the sum of Forty Shillings for every such neglect or refusal, to be recovered upon proof thereof on confession, or by the oath of one credible witness, before any one Justice of the Peace, acting within the said division, to be levied by warrant of distress, and sale of the goods and chattels of the party so neglecting or refusing; and to be paid into the hands of the Treasurer, towards the public stock of the District, except in the case of forfeiture of any person or persons nominated to be overseers of the highways and roads, and refusing to act, whose penalties shall be paid into the hands of the commissioners of the highways and roads, and that it shall and may be lawful, in case of refusal as aforesaid, for any two of His Majesty's Justices, acting within the said division, to hold a special session for the purpose of naming one or more person or persons to serve the office, that may have been refused, by the party chosen to serve the same, and fined in manner aforesaid, and if the person or persons so named by the said Justices, upon being served with due notice thereof, which notice the Constable is hereby required to serve upon the person, or leave the same at his usual place of abode, shall neglect or refuse by the space of seven days, after the service of such notice, to accept the said office, and take the oath herein before prescribed, he shall for every such neglect or refusal, forfeit the sum of Forty Shillings, to be levied by distress and sale, and paid over in manner herein before mentioned.

X. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Justices of the Peace, within the respective limits of their commissions at their General Quarter Sessions in the month of April assembled, or the greater part of them, to nominate and appoint yearly and every year, a sufficiently discreet and proper person, to serve the office of High Constable in each and every district, and also to nominate and appoint such a sufficient number of persons, as in their discretion will be necessary, to serve the office of Constable in each and every parish, township, reputed township, or place, and the said Constable and Constables, before they enter into their office, shall severally take the following oath, which it shall and may be lawful for any Justice of the Peace to administer—

“ You shall well and truly serve our Sovereign Lord the King, in the office of
for the of for the year ensuing,
according to the best of your skill and knowledge—SO HELP YOUR GOD.

XI. *Provided always, and be it further enacted by the authority aforesaid*, That no person having been appointed and served any of the offices mentioned in this Act, shall be liable to be appointed, or serve the same office, within three years from such appointment and service, unless he shall consent thereto.

XII. *Provided also*, That when any township or reputed township, shall not contain thirty Inhabitant Householders, it shall not be lawful for the said Justices to issue their warrant for calling a meeting therein, but the said Inhabitant Householders shall be joined to, and be reputed and taken as Inhabitants of the township adjacent thereto, which shall contain the smallest number of Inhabitants.

Provision for Townships, &c. thinly inhabited.

XIII. *And be it enacted*, That it shall and may be lawful for the Justices of the Peace within the respective limits of their commissions, at the General Quarter Sessions in the month of April to be holden, assembled, or the greater part of them, to limit and appoint such fees and perquisites as to them shall appear reasonable to be demanded and taken by every Town Clerk and Pound-keeper of the several parishes or townships within their respective Districts.

Fees and perquisites of the town clerks and pound keepers to be regulated in the April Sessions.

SCHEDULE.

JUSTICES'S WARRANT to Assemble the Inhabitants.

HOME DISTRICT,

To the *CONSTABLE* for the township of _____ in the said District.

BY virtue of a power for such purpose granted by a certain Act of the Legislature of this Province, made and passed in the thirty-third year of his present Majesty's Reign, to us A. B. Esquire, and C. D. Esquire, two of His Majesty's Justices of the Peace in and for the said District, these are to authorise and require you, giving eight days previous notice, to assemble the Inhabitant Householders, paying or liable to pay to any public assessment or rate, living within your parish or township, to meet at _____ on _____ for the purpose of choosing and nominating certain fit and proper persons, to serve the offices herein specified, for the ensuing year, that is to say, one Town Clerk, two Assessors, one Collector, two or more Overseers of the highways and roads, one or two Pound-keepers, and two Town Wardens, according to the directions in the said Act contained, and for so doing this shall be a sufficient Warrant.

Form of a Warrant for a Town Meeting.

Given under our Hands and Seals at _____ on the _____ day of _____ in the _____ year of the Reign of _____

CONSTABLE'S NOTICE to be given on a Nomination to an Office by the Justices.

HOME DISTRICT, } **W**HEREAS, at a Special Session for that purpose Township of _____ holden on the _____ day of _____ by A. B. Esquire, and C. D. Esquire, two of His Majesty's Justices of the Peace for the said District, you were by the said Justices nominated and appointed to serve the office of _____ for the township of _____ for the year next ensuing, by virtue of a power to them for that purpose granted by a certain Act of the Legislature of this Province. These are therefore to notify unto you, that unless you accept the said office, and take the oath prescribed, within seven days from the receipt of this notice, you shall for such neglect or refusal, forfeit and pay the sum of Forty Shillings, as by the said Act is directed.

Form of Notice on a nomination by the Justices.

(See 46 Geo. III. c 5—48, c 14—60. c 12—60, c 1, s 14—63, c 9—67, c 7.)

Dated this _____ day of _____ in the year _____

G. H. Constable.

To Mr. L. M.

E

C H A P. III.

C H A P. III.

An Act to authorize and direct the LAYING and COLLECTING of ASSESSMENTS and RATES, in every District within this Province, and to provide for the Payment of WAGES to the MEMBERS of the HOUSE of ASSEMBLY.

[9th July, 1793.]

Preamble.

WHEREAS, it is necessary to make provision for defraying the expenses of building a Court House and Gaol, and keeping the same in repair, for the payment of Gaoler's Salary, for the support and maintenance of Prisoners, for building and repairing Houses of Correction, for the construction and the repairs of Bridges, for the fees of the Coroner and other Officers, for the destroying of Bears and Wolves, and other necessary charges within the several Districts of this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province.'" and by the authority of the same, That the Assessors of every parish, township, reputed township or place within this Province, shall and they are hereby required as soon as conveniently may be after the passing of the present Act, and hereafter yearly and every year, within thirty days next after they shall be appointed to their office, to make out a true and complete return of every Inhabitant Householder living within the limits of the said parish, township, reputed township or place, and to divide each and every of them into Eight different Classes, in the following manner, that is to say:

The assessors to make out a list in eight classes of the inhabitant Householders within their respective townships.

1st Class.

II. That the First Class do contain the names of such Householders as aforesaid, as the said Assessors to the best of their knowledge and judgment, believe are possessed of real and personal property, goods or effects to their own use, to the value of Fifty Pounds, and not amounting to One Hundred Pounds.

2d Class.

III. And that the Second Class do contain the names of such Householders, as aforesaid, as the said Assessors to the best of their knowledge and judgment, believe to be possessed of real and personal property, goods and effects to their own use, to the value of One Hundred Pounds, and not amounting to One Hundred and Fifty Pounds.

3d Class.

IV. And that the Third Class do contain the names of such Householders as aforesaid, as the said Assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects to their own use, to the value of One Hundred and Fifty Pounds, and not amounting to Two Hundred Pounds.

4th Class.

V. And that the Fourth Class do contain the names of such Householders as aforesaid, as the said Assessors to the best of their knowledge and judgment,

ment, believe to be possessed of real or personal property, goods or effects to their own use, to the value of Two Hundred Pounds, and not amounting to Two Hundred and Fifty Pounds.

VI. And that the Fifth Class do contain the names of such Household-ers as aforesaid, as the said Assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects to their own use to the value of Two Hundred and Fifty Pounds, and not amounting to Three Hundred Pounds.

5th Class.

VII. And that the Sixth Class do contain the names of such Household-ers as aforesaid, as the said Assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects, to their own use, to the value of Three Hundred Pounds, and not amounting to Three Hundred and Fifty Pounds.

6th Class.

VIII. And that the Seventh Class do contain the names of such Household-ers as aforesaid, as the said Assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects to their own use, to the value of Three Hundred and Fifty Pounds, and not amounting to Four Hundred Pounds.

7th Class.

IX. And that the Eighth Class do contain the names of such Household-ers as aforesaid, as the said Assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects to their own use, to the value of Four Hundred Pounds and upwards; and that such Inhabitants as the said Assessors, to the best of their knowledge and judgment, believe not to be possessed of real or personal property, goods or effects to the value of Fifty Pounds, shall be included in a list to be called the *Excused List*. [a]

8th Class.

[a] (*Under list. Sec 34 Geo. III. c 6, s 6.*)

X. And be it enacted by the authority aforesaid, That the said Assessors shall and they are hereby required within six weeks from the time of their appointment, to make out a copy of such their returns of all the Inhabitant Household-ers within their respective parish, township, reputed township or place, so divided into classes as aforesaid, with the names of the said Assessors, thereunto subscribed, and to present the same to two Justices of the Peace living within or next to such parish, township, reputed township or place, for their consideration and allowance; which they are to signify by signing the said return, and such allowance of the said Justices shall be a sufficient warrant for the Collectors of the said parish, township, reputed township or place, to demand and receive from the said Inhabitant Household-ers the rates hereafter imposed by virtue of this Act, and the said Assessors shall cause the same to be fixed on the Church Door, or some other place of public resort, in the said parish, township, reputed township or place, for general inspection, and shall also transmit a copy of such return, signed by the said Assessors, to the Clerk of the Peace of the respective Districts.

A copy of the assessor's returns, duly certified, to be the collector's warrant for levying rates.

The same to be published, and a copy transmitted to the clerk of the peace.

XI. And be it further enacted by the authority aforesaid, That if any person shall be aggrieved by being included in any of the Classes above mentioned,

An appeal for grievance and for omissions in the classes, shall be to the next general quarter sessions.

tioned, or shall have any material objection to any person being left out of any of the said Classes in such return as aforesaid, he may upon giving reasonable notice to the Assessors in his own case, and to the party in case of any such objection as aforesaid, appeal to the next General Quarter Sessions, and it shall and may be lawful for the said Justices to inquire into the matters aforesaid, upon oath to be administered to the parties, if to the said Justices it shall appear to be needful, (which oath the said Justices are hereby empowered and authorized to administer) and having enquired, to determine the same either by confirming or amending such return, in such manner only as shall be necessary to give relief in the matters complained of, and such determination of the said Justices shall be final in all matters aforesaid.

Rate to be paid by
each inhabitant house-
holder of the 1st class,
and during what term :

XII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Collector of each parish, township, reputed township or place, and he is hereby authorized to demand and receive yearly and each year for the space of two years next ensuing the twenty-fifth day of March, which will be in the year of our Lord one thousand seven hundred and ninety-four, of every Inhabitant Householder, whose name shall be included in the First Class aforesaid, the sum of two shillings and six pence, as his rate or proportion of the district assessment, to be levied for the uses and purposes as aforesaid.

of the 2d class :

XIII. *And also to demand and receive, for and during the time aforesaid,* of every Inhabitant Householder, whose name shall be included in such Second Class as aforesaid, the sum of five shillings, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

of the 3d class :

XIV. *And also to demand and receive, for and during the time aforesaid,* of every Inhabitant Householder, whose name shall be included in such Third Class as aforesaid, the sum of seven shillings and six pence, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

of the 4th class :

XV. *And also to demand and receive for and during the time aforesaid,* of every Inhabitant Householder, whose name shall be included in such Fourth Class as aforesaid, the sum of ten shillings, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

of the 5th class :

XVI. *And also to demand and receive, for and during the time aforesaid,* of every Inhabitant Householder, whose name shall be included in such Fifth Class as aforesaid, the sum of twelve shillings and six pence, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

of the 6th class.

XVII. *And also to demand and receive, for and during the time aforesaid,* of every Inhabitant Householder, whose name shall be included in such Sixth Class as aforesaid, the sum of fifteen shillings, as his rate or proportion of the District assessment, to be levied for the uses and purposes aforesaid.

of the 7th class.

XVIII. *And also to demand and receive, for and during the time aforesaid,* of every Inhabitant Householder, whose name shall be included in such
Seventh

Seventh Class as aforesaid, the sum of seventeen shillings and six pence, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid.

XIX. And also to demand and receive, for and during the time aforesaid, of every Inhabitant Householder, whose name shall be included in such Eighth Class as aforesaid, the sum of twenty shillings, as his rate or proportion of the district assessment, to be levied for the uses and purposes aforesaid. of the 8th class.

XX. *And be it further enacted by the authority aforesaid,* That the Collector of each and every parish, township, reputed township or place, shall, and he is hereby required once in every three months to pay or cause to be paid to the Treasurer of the district, all such monies as he shall have received under and by virtue of this Act, and shall also produce the book or books of assessment for the examination of the said Treasurer, and it shall and may be lawful for the said Treasurer, upon being satisfied that all the monies to be received by virtue of this Act have been duly collected and paid or accounted for by the Collector, to pay into the hands of the said Collector, the sum of three pounds for every hundred pounds so by him collected and paid as aforesaid, and at and after the same rate and proportion, for any sum less than one hundred pounds, by him collected and paid, and the said Treasurer shall and is hereby required to give a receipt for the monies so collected and paid over to him, which receipt shall be a good and sufficient discharge, to the said Collector, for the monies so collected and paid by him to the said Treasurer.

The collectors to pay periodically, into the hands of the District treasurers the monies so received respectively, and to produce their books for inspection, and to receive three per cent for collecting.

XXI. *Provided always and be it enacted,* That for the purposes of the current year which will determine on the twenty-fifth day of March, one thousand seven hundred and ninety-four, it shall and may be lawful, for the said Collectors, and they are hereby required, to demand and levy in manner hereinafter to be mentioned, from each and every Inhabitant, according to the several classes in which they shall respectively be included, one half of the rate to be yearly assessed on each and every class according to the proportions herein before set forth, and that each and every person whose name shall be returned in the First Class, shall pay for the purposes aforesaid, the sum of fifteen pence, that each and every person whose name shall be returned in the Second Class, shall pay for the purposes aforesaid, the sum of two shillings and six pence, that each and every person, whose name shall be returned in the Third Class, shall pay for the purposes aforesaid, the sum of three shillings and nine pence, and that each and every person whose name shall be returned in the Fourth Class, shall pay for the purposes aforesaid, the sum of five shillings, and that each and every person, whose name shall be returned in the Fifth Class, shall pay for the purposes aforesaid, the sum of six shillings and three pence, and that each and every person, whose name shall be returned in the Sixth Class, shall pay for the purposes aforesaid, the sum of seven shillings and six pence, and that each and every person, whose name shall be returned in the Seventh Class, shall pay for the purposes aforesaid, the sum of eight shillings and nine pence, and that each and every person, whose name shall be returned in the Eighth Class, shall pay for the purposes aforesaid, the sum of ten shillings.

Provision for the current year.

The collectors to
make out a book of ac-
count.

XXII. *And be it further enacted by the authority aforesaid,* That the said Collectors shall make out a Book of Account, containing the names of each Inhabitant Householder, within their parish, township, reputed township, or place, who are liable to be charged with such assessment, divided into their respective classes, according to the returns made by such Assessors as aforesaid, and that upon the payment of the rate so charged upon them in their several classes, the said Inhabitant Householdors, and each of them may require the Collector to write the word "paid," opposite to his or her name, and likewise to write down in figures the sum so paid in a ruled column or margin in such Book to be made, and that such entry shall be a full and sufficient discharge to such Inhabitant Householder for the payment of the said rate.

Entry therein in dis-
charge of rate when
paid.

The rate to be levied
by distress, on neglect
or refusal of payment,
after due notice.

XXIII. *And be it further enacted by the authority aforesaid,* That if any Inhabitant Householder shall refuse or neglect to pay the sum or rate, for which he stands classed and rated in manner aforesaid, by the space of fourteen days after demand duly made of the same by the said Collector, such Collector shall, and he is hereby required, to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, having first obtained a warrant for that purpose, under the hand and seal of some Justice of the Peace, within the said District, and to render the overplus, if any there shall be, after deducting the amount of the rate assessed and the charges of the distress and sale, to the owner thereof.

No collector to act
without having entered
into a bond with a suf-
ficient surety.
(See 48 Geo. III. c 14,
s2 and 53d c 9, s 2.

XXIV. *Repealed by 46 Geo. III. c 5, s 6 :*

A treasurer to be ap-
pointed by the justices
in quarter sessions for
their respective Dis-
tricts, to whom he shall
give sufficient security.

XXV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Justices at their respective General Quarter Sessions, or the greater part of them, then and there assembled, to nominate and appoint a proper person, being resident in the said District, to be Treasurer of the said District, which Treasurer shall give sufficient security, in such sums, as shall be approved of by the said Justices at their respective General Quarter Sessions, or the greater part of them, then and there assembled, to be accountable for the several sums of money which shall be respectively paid to him in pursuance of this Act, and to pay such sum or sums of money as shall be ordered to be paid by the Justices in their General Quarter Sessions, and also for the due and faithful execution of the trust reposed in him, and all and every such sum or sums of money as shall be paid into his hands by virtue of and in pursuance of this Act, shall be deemed and taken to be the public stock of the District, and the said Treasurer shall and is hereby required, to pay so much of the money in his hands, to such person and persons as the said Justices at their respective General Quarter Sessions, or the greater part of them, then and there assembled, shall by their orders direct and appoint, for the uses and purposes herein before recited, and for any other uses and purposes to which the public stock of any District is or shall be applicable by law, reserving at all and every time or times to and for his own use, and as a reward for his labor and expence, the sum of three pounds for every hundred, that shall or may be paid into his hands by the said Collectors for the purposes aforesaid.

In what manner and
to what uses the public
stock of the District
shall be applied.

Allowance of 3 per
cent. to the treasurer on
monies received.

XXVI. *And be it further enacted by the authority aforesaid,* That the said Treasurer shall, and is hereby required, to keep Books of Entries of the several sums respectively received and paid by him in pursuance of this Act, and also to deliver in true and exact accounts upon oath, if required, (which oath any one of the Justices at their respective General Quarter Sessions is hereby authorized to administer) of all and every sum or sums of money respectively received and paid by him, distinguishing the particular uses to which such sum or sums of money have been applied, to the Justices at every General Quarter Sessions to be holden for the District, and shall lay before the Justices of such Session the proper vouchers for the same, and the discharges of the said Justices of the Peace, or the greater part of them, by their orders made at their General Quarter Sessions to such Treasurer, shall be taken and allowed, as good and sufficient acquittances to the full amount thereof.

Treasurer to keep books of entries, and at every quarter sessions to lay before the justices a statement of his receipts and disbursements.

XXVII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Justices of the Peace, at their General Quarter Sessions assembled, or the greater part of them, from time to time, to continue such Treasurer in his office so long as they shall see convenient, and to remove him at their pleasure, and appoint any other person in his place.

Treasurer to be continued, or removed, at pleasure, by the justices in quarter sessions.

XXVIII. *And be it further enacted by the authority aforesaid,* That in order to make provision for the District Assessment after the expiration of two years as aforesaid, it shall and may be lawful for the Justices of the Peace, in their General Quarter Sessions in the month of April assembled, or the greater part of them, to cause an estimate to be laid before them of the sum or sums of money, that may be necessary, to defray the charges and expences accruing to their respective Districts, for the uses and purposes aforesaid, for the ensuing year, and having determined and resolved upon the same, to cause the amount of the sum to be raised, to be divided, in an exact proportion to the rate with which each class is severally charged, as herein before is provided, and to declare that the assessment required will be a half rate, a third, fourth, fifth, eighth, or any aliquot part of a rate, by computing the proportion, which the sum proposed to be raised bears to the amount of the sum, which shall have been raised by the original rates of two shillings and six pence, five shillings, ten shillings and twenty shillings, severally imposed on each respective class as aforesaid, and for that purpose to make a special order declaring the amount of the sum intended to be raised, and specifying the fractional part of the rate to be assessed and collected (in case it shall not be deemed necessary to impose an entire rate, according to the proportions aforesaid) on each and every Inhabitant Householder, according to their respective classes as aforesaid, which order being signed by the said Justices in their General Quarter Sessions in the month of April assembled, or the greater part of them, shall be binding upon each and every Inhabitant Householder, in respect of the rate, with which he stands charged throughout this Province. And the High Constable shall, at such times as the said Justices by their order in Sessions shall direct, cause such rates to be levied by a warrant under his hand, directed to the Assessors and Collector of every parish, township, reputed township or place within this Province.

Provision for the future assessments, after the expiration of two years.

The fractional part of a rate to be assessed when it will suffice.

XXIX. *And be it further enacted by the authority aforesaid,* That no new Assessment

No new assessment to be made until 3-4th

of the preceding rate
be expended.

assessment shall be made, until it shall appear to the Justices at their respective General Quarter Sessions, or the greater part of them, then and there assembled, by the accounts of their Treasurer or otherwise, that three-fourths of the money collected by virtue of the preceding rate, shall have been expended for the uses and purposes mentioned in this Act.

The members of the
House of Assembly to
be allowed wages for
their attendance there-
at.—not exceeding 10s
per day.

XXX. [*Repealed by 43 Geo. III. c 11, s 2.*]

SCHEDULE.

HIGH CONSTABLE'S WARRANT, to Levy the Rate.

To the ASSESSORS and COLLECTOR of the township of
in the said District.

Form of high constable's
warrant for levying
the rate.

WESTERN } BY virtue of an order from His Majesty's Justices of the Peace,
DISTRICT, } and for this District in their General Quarter Sessions assembled, you are hereby required to raise the sum of within your township, in such manner as by a certain Act of the Legislature of this Province, for that purpose, passed in the thirty third year of his present Majesty's Reign, is directed, being the proportion of your township (or parish) for and towards the General District Assessment for defraying the expences of building a Gaol and Court-House and keeping the same in repair, for the payment of the Gaoler's salary, for the support and maintenance of Prisoners, for building and repairing Houses of Correction, for the construction and repairing of Bridges and other purposes in the said Act mentioned, and hereof you are not to fail on the peril that shall ensue thereof.

Given under my hand this day of

A. H. High Constable.

FORM OF AN ASSESSMENT.

Form of an Assessment.

(See 34 Geo. III. c 6.
—42, c 2, s 6.—43. c 11
—46, c 6.—48, c 14—
51, c 8.—53, c 9.—55,
c 5.—56, c 18, s 4.)

EASTERN DISTRICT. } AN Assessment for defraying the expences of
Township of } building a Gaol and Court-House, and keeping
the same in repair, for the payment of the Gaoler's salary, for the support and
maintenance of Prisoners, for building and repairing Houses of Correction,
for the construction and repair of Bridges and other purposes mentioned in
an Act of the Legislature of this Province, of the thirty-third year of his pre-
sent Majesty, intituled, an Act to for the township, or reputed town-
ship, called in the county of made and Assessed the
day of

Class I. Containing the names of such Inhabitant Householders living within the township aforesaid, as we to the best of our knowledge and judgment, do believe are possessed of real or personal property, goods or effects to the value of Fifty Pounds, and not amounting to One Hundred Pounds, and who are severally and each to pay the sum of two shillings and six pence, in respect of their rate and proportion of the said Assessment.

G. H. }

I. K. } First Class : rate two shillings and six pence.

L. M. }

Class II. Containing the names of such Inhabitant Householders, living within the township aforesaid, as we to the best of our knowledge and judgment

ment, believe are possessed of real or personal property, goods or effects to their own use, to the value of One Hundred Pounds, and not amounting to One Hundred and Fifty Pounds, and who are severally and each to pay five shillings, in respect to their rate and proportion of the said assessment.

N. O. }
P. Q. } Second class: rate five shillings.
R. S. }

Class III. Containing, &c. Class VIII. Containing, &c.

Assessed by us { A. B. } Assessors
 { C. D. }

C H A P. IV.

An Act to regulate the laying out, amending and keeping in repair, the PUBLIC HIGHWAYS and ROADS within this Province.

*[*Repealed by 50 Geo. III. c 1.*]

C H A P. V.

An Act to Confirm and make valid certain MARRIAGES heretofore contracted in the Country, now comprised within the Province of Upper-Canada, and to provide for the future SOLEMNIZATION of MARRIAGE within the same.

WHEREAS, many Marriages have been contracted in this Province at a time when it was impossible to observe the forms prescribed by law for the Solemnization thereof, by reason that there was no Protestant Parson or Minister duly ordained residing in any part of the said Province, nor any consecrated Protestant Church or Chapel within the same, and whereas the parties having contracted such Marriages, and their issue may therefore be subjected to various disabilities, in order to quiet the minds of such persons, and to provide for the future Solemnization of Marriage within this Province, Be it enacted and declared by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the Marriage and Marriages of all persons, not being under any canonical disqualification to contract Matrimony, that have been publicly contracted before any Magistrate or Commanding Officer of a Post, or Adjutant, or Surgeon of a Regiment, acting

Preamble.

Marriages heretofore contracted, before any person in public employment, declared valid,

and the issue thereof
legitimate.

ing as Chaplain, or any other person in any public office or employment, before the passing of this Act, shall be confirmed and considered to all intents and purposes as good and valid in law, and that the parties who have contracted such Marriage, and the issue thereof, may become severally entitled to all the rights and benefits, and subject to all the obligations arising from Marriage and consanguinity, in as full and ample a manner, as if the said Marriages had respectively been solemnized according to law.

Method of preserving
the testimony of such
marriages.

II. *And be it further enacted by the authority aforesaid,* That in order to enable those persons who may be desirous of preserving the testimony of such Marriage and of the birth of their children, to effectuate the same, it shall and may be lawful at any time within three years from the passing of this Act, for any Magistrate of the District where any such parties as may have contracted Matrimony as aforesaid, shall reside, at the request of either of the said parties, to administer the following oath to the Husband:

Oath of the husband.

"I, A. B. do solemnly Swear in the presence of Almighty GOD, that I did publicly intermarry with C. D. at on the day of in the year of our Lord and that there is now living issue of the said marriage (as the case may be)

T. B. born on the day of
M. B. born on the day of

Oath of the wife.

And to administer the following oath to the Wife :
"I, C. D. do solemnly Swear in the presence of Almighty GOD, that I did publicly intermarry with A. B. at on the day of in the year of our Lord and that there is now living issue of the said Marriage (as the case may be)

T. B. born on the day of
M. B. born on the day of

Manner of entering
the same of record,

Which form of attestation shall be subscribed by the parties, and certified under the hand and seal of the Magistrate administering the said oath, who shall be entitled to demand and receive one shilling for such certificate, and that it shall and may be lawful for the Clerk of the Peace of the District to enter and record, and he is hereby required, upon the payment of the sum of two shillings to enter and record such attestation, duly certified as aforesaid, in a book or register to be by him kept for that purpose; and that such register or an attested copy thereof, which copy the said Clerk is hereby required to make out, and on the payment of the sum of two shillings to deliver to any person requesting the same, shall be held and taken as sufficient evidence of such Marriage, and the birth of such children in all His Majesty's courts of law and equity.

The register of such
record, or an attested
copy thereof, to be suf-
ficient evidence.

Regulations for the
future celebration of mar-
riages.

III. *And be it further enacted by the authority aforesaid,* That until such time as there shall be five Parsons or Ministers of the Church of England, severally incumbent or doing duty on and in their respective parishes or places of residence in any one District within this Province, such parties as are not under any canonical disability, and are desirous of intermarrying with each other, and neither of them living within the distance of eighteen miles of any Parson or Minister of the Church of England, may apply to any neighbouring Justice of the Peace within the District, and declare the same, whereup-

Circumstances under
which it may be lawful
for a Justice to solemn-
ize marriage.

on it shall and may be lawful for the said Justice, to cause to be affixed in some public place within the township or parish wherein the parties reside, or if they should reside in different townships or parishes, then in the most public place within each of the said townships or parishes, a notice in the following form, for which he shall be entitled to receive one shilling and no more.

"Whereas *A. B.* of and *C. D.* of are desirous of intermarrying with each other, and there being no Parson or Minister of the Church of England living within eighteen miles of them or either of them, all persons who know any just impediment, why they should not be joined in Matrimony, are to give notice thereof to *E. F.* Esquire, of one of His Majesty's Justices of the Peace for the District."

Public notice.

And if no valid objection shall have been made to such intended Marriage, when three Sundays have intervened after the publication of the said notice, it shall and may be lawful for the said Magistrate to proceed to solemnize the Marriage, according to the form prescribed by the Church of England, and to give to the parties a Certificate thereof, in the following form, for which he shall be entitled to receive the sum of One Shilling, and no more.

Form of the church of England to be followed.

"Whereas *A. B.* of and *C. D.* of were desirous of intermarrying with each other, and there being no Parson or Minister of the Church of England, living within eighteen miles of them, or either of them, they have applied to me for that purpose; now these are to certify, that in pursuance of the powers granted by an Act of the Legislature of this Province, passed in the thirty-third year of His Majesty's Reign, I, *E. F.* one of His Majesty's Justices of the Peace, having caused the previous notice by the Statute required, to be given, have this day married the said *A. B.* and *C. D.* together, and they are become legally contracted to each other in Marriage."

Certificate of marriage.

Which Certificate shall be signed by the parties, and also by any two or more persons present at the said Marriage, and such Marriage shall be good and valid in law to all intents and purposes whatever. And that upon application for that purpose made, the Clerk of the Peace for the said District shall and may, and he is hereby required to register the said Certificate in a book for that purpose by him to be kept, and that it shall and may be lawful for him to demand and receive the sum of Two Shillings for registering the same, and that such register, or an attested copy thereof, which the said clerk is hereby required to make and deliver to any person requesting the same, and paying for it the sum of Two Shillings, shall be held and taken to be sufficient evidence of such marriage in all his Majesty's courts of law and equity.

The same to be signed by the parties, and by two or more persons present;

and on application to be registered by the clerk of the peace.

IV. *And be it further enacted by the authority aforesaid, That if any person shall after the passing of this Act, make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or act or assist in falsely making, altering, forging or counterfeiting any such Certificate of Marriage as herein before is required to be given, or shall knowingly and wilfully insert or cause to be inserted in such register book to be kept in each District, any false entry of any matter or thing relating to any Marriage, or*

Persons counterfeiting, or procuring to be counterfeited, the evidence of any marriage, to suffer, on conviction, fine and imprisonment.

act

act or assist in falsely making, altering or forging any such entry in such register, or utter or publish as true, any such false, forged, altered or counterfeit certificate or register as aforesaid, or a copy thereof, knowing such certificate or register of Marriage respectively to be false, altered, forged, or counterfeited, or shall wilfully destroy, or cause or procure to be destroyed any register book of Marriages or any part of such register book, with an intent to avoid any Marriage, every person so offending, and being thereof lawfully convicted, shall for such offence suffer such fine and imprisonment as to the court shall seem meet, provided such imprisonment be in the common gaol of the District, for a term not less than twelve calendar months.

Eventual determination and period of the powers vested in justices to solemnize marriages.

Method of ascertaining such event.

Penalty for solemnizing marriage after such event:

and the marriage to be void.

No valid objection to a marriage, if it's not being celebrated in a church or chapel.

V. *Provided always*, That when and so soon as there shall be five Parsons or Ministers of the Church of England, severally incumbent and doing duty within their respective parishes or places of residence, in any one District within this Province, that the authority herein before given to the Justices of the Peace, within such District, for the purposes aforesaid, shall cease and determine, and to the end that it may become publicly known when such a number of Parsons or Ministers are incumbent within any District, it shall and may be lawful for the Governor, Lieutenant Governor or person administering the government of this Province, and he is hereby required to give notice thereof, by an instrument under his hand and seal, to the first General Quarter Sessions to be holden for the said District, certifying that there are five Parsons or Ministers of the Church of England, severally incumbent and doing duty within their respective parishes or places of abode, in the said District, and that therefore the provisions herein before made, authorizing the Justices of the Peace to solemnize Matrimony, have ceased and determined within the said District, which said instrument shall be publicly read before the Justices in Quarter Sessions assembled, and kept and preserved by the Clerk of the Peace, among the records of the said District, and from and after the publication of such notice, it shall not be lawful for any Justice of the Peace within such District, to perform the Marriage ceremony; and if any Justice of the Peace within the District where such notification shall have been made in manner aforesaid, shall after the publication thereof, knowingly and wilfully pretend to perform the Marriage ceremony, between any persons under and by virtue of this Act, or under any pretence whatever, he shall for every such offence, forfeit and pay the sum of Twenty Pounds, one moiety thereof to His Majesty, his Heirs and Successors for the public uses of the Province, and the support of the government thereof, and the other moiety to any person who shall sue for the same by action of debt, plaint, bill or information, in any of His Majesty's courts of record within this Province, and such pretended Marriage so performed, shall be null and void to all intents and purposes whatever.

VI. *And be it further enacted by the authority aforesaid*, That it shall be no valid objection to the legality of any Marriage heretofore solemnized by any Parson or Minister, either by Licence, or after due publication of Banns, or hereafter to be solemnized in manner aforesaid, or by any Justice of the Peace, duly authorized under the provisions of this Act, that the same was not solemnized in a church or chapel duly consecrated, nor shall any such Marriage, on account thereof, be held or taken to be illegal.

VII. *And be it further enacted by the authority aforesaid, That this Act shall be publicly read in the several Districts of this Province, at the opening of the General Quarter Sessions of the Peace for each District, that shall be holden next after the passing thereof, and once in every year for two years following at the Quarter Sessions to be holden in the month of January.—(See 38 Geo. III. c 4.)*

Promulgation of this Act.

CHAP. VI.

An Act to fix the Times and Places of holding the COURTS of GENERAL QUARTER SESSIONS of the PEACE, within the several Districts of this Province.

[9th July, 1793.]

Preamble.

WHEREAS, it is necessary to fix the Times and Places for holding the Courts of General Quarter Sessions of the Peace within the several Districts in this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, the several Courts of General Sessions of the Peace within this Province respectively, shall commence and be holden at the times and places hereinafter mentioned, yearly and in every year, that is to say— That the Courts of General Quarter Sessions of the Peace for the Eastern District of this Province, shall commence and be holden in *New Johnstown*, (a,) on the second Tuesdday in the month of October, and on the second Tuesday in the month of April; and in the Town of Cornwall, on the second Tuesday in the month of January, and on the second Tuesday in the month of July.

Time and place of holding the quarter sessions in the Eastern District.

[a] Cornwall. (See 36 Geo. III. c 4, s 4.)

II. *And be it enacted, That the Courts of General Quarter Sessions of the Peace for the Midland District of this Province, shall commence and be holden in Adolphus Town, on the second Tuesday in the month of July, and on the second Tuesday in the month of January; and in Kingston, on the second Tuesday in the month of April, and on the second Tuesday in the month of October.*

In the Midland District.

III. *And be it enacted, That the Courts of General Quarter Sessions of the Peace for the Home District of this Province, shall commence and be holden in the Town of Newark, on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April. (a)*

In the Home District.
[a] (See 41 Geo. III. c 6, s 2.)

In the Western Dis-
trict.
Special Sessions at
Michilimackinac.
(See 47 Geo III. c 11
—55, c 9 & 10,—56, c
1, s 4,—58, s 2.)

IV. }
V. } [Repealed by 36th George III. c 4, s 1.]

C H A P. VII.

An Act to prevent the further introduction of SLAVES, and to limit the Term of Contracts for SERVITUDE within this Province.

[9th July, 1793.]

Preamble.

WHEREAS it is unjust that a people who enjoy Freedom by Law should encourage the introduction of Slaves, and whereas it is highly expedient to abolish Slavery in this Province, so far as the same may gradually be done without violating private property; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, so much of a certain Act of the Parliament of Great Britain, passed in the thirtieth year of His present Majesty, intituled "An Act for encouraging new Settlers in His Majesty's Colonies and Plantations in America." as may enable the Governor or Lieutenant Governor of this Province, heretofore parcel of His Majesty's Province of Quebec, to grant a licence for importing into the same any Negro or Negroes, shall be, and the same is hereby repealed; and that from and after the passing of this Act, it shall not be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, to grant a licence for the importation of any Negro or other person to be subjected to the condition of a Slave, or to a bounden involuntary service for life, into any part of this Province; nor shall any Negro, or other person who shall come or be brought into this Province after the passing of this Act, be subject to the condition of a Slave, or to such service as aforesaid, within this Province, nor shall any voluntary contract of service or indentures that may be entered into by any parties within this Province, after the passing of this Act, be binding on them or either of them, for a longer time than a term of nine years, from the day of the date of such contract.

Recital of Act 30 Geo.
III.

The same in part re-
pealed.

Provisions against the
further introduction of
slaves.

Term of servitude by
contract limited.

The owners of slaves
at present within the
Province, confirmed in
their property therein.

II. *Provided always*, That nothing herein contained shall extend, or be construed to extend to liberate any Negro, or other person subjected to such service as aforesaid, or to discharge them or any of them from the possession of the owner thereof, his or her executors, administrators or assigns, who shall have come or been brought into this Province, in conformity to the conditions prescribed by any authority for that purpose exercised, or by any Ordinance

nance or Law of the Province of Quebec, or by Proclamation of any of His Majesty's Governors of the said Province for the time being, or of any Act of the Parliament of Great Britain, or shall have otherwise come into the possession of any person, by gift, bequest or *bona fide* purchase before the passing of this Act, whose property therein is hereby confirmed, or to vacate or annul any contract for service that may heretofore have been lawfully made and entered into, or to prevent parents or guardians from binding out children until they shall have obtained the age of twenty-one years.

Nothing herein to extend to contracts for service already made, nor to parents or guardians.

III. And in order to prevent the continuation of Slavery within this Province, *Be it enacted by the authority aforesaid*, That immediately from and after the passing of this Act, every child that shall be born of a Negro mother, or other woman subjected to such service as aforesaid, shall abide and remain with the master or mistress in whose service the mother shall be living at the time of such child's birth, (unless such mother and child shall leave such service, by and with the consent of such master or mistress) and such master or mistress shall, and is hereby required to give proper nourishment and cloathing to such child or children, and shall and may put such child or children to work, when he, she or they shall be able so to do, and shall and may retain him or her in their service, until every such child shall have attained the age of twenty-five years, at which time they and each of them shall be entitled to demand his or her discharge from and shall be discharged by such master or mistress, from any further service. And to the end that the age of such child or children may be more easily ascertained, the master or mistress of the mother thereof, shall and is hereby required, to cause the day of the birth of every such child as shall be born of a Negro or other mother, subjected to the condition of a Slave, in their service as aforesaid, to be registered within three months after its birth, by the Clerk of the parish, township or place wherein such master or mistress reside, which Clerk shall be authorized to demand and receive the sum of one shilling, for registering the same. And in case any master or mistress shall refuse or neglect to cause such register to be made, within the time aforesaid, and shall be convicted thereof, either on his or her confession, or by the oath of one or more credible witness or witnesses, before any Justice of the Peace, he or she shall, for every such offence, forfeit and pay the sum of five pounds, to the public stock of the District.

The children that shall be born of female slaves, to remain in the service of the owner of their mother until the age of 25 years, when they shall be discharged.

Birth of the children of slaves to be recorded.

Penalty for neglecting or refusing to record the same.

IV. *And be it further enacted by the authority aforesaid*, That in case any master or mistress shall detain any such child born in their service as aforesaid, after the passing of this Act, under any pretence whatever, after such Servant shall have attained the age of twenty-five years, except by virtue of a contract of service, or indentures, duly and voluntarily executed, after such discharge as aforesaid, it shall and may be lawful for such Servant to apply for a discharge to any of His Majesty's Justices of the Peace, who shall and is hereby required thereupon to issue a summons to such master or mistress, to appear before him to shew cause, why such Servant should not be discharged, and the proof that such Servant is under the age of twenty-five years, shall rest upon and be adduced by the master or mistress of such Servant; otherwise it shall and may be lawful for the said Justice to discharge such Servant from such service as aforesaid, *Provided always*, That in case any issue shall be born of such children, during their infant servitude, or after, such

Remedy against the undue detention of such children.

Provision for the issue of children of slaves

such issue shall be entitled to all the rights and privileges of free born subjects.

Security to be given
on liberating a slave.

V. *And be it further enacted*, That whenever any master or mistress shall liberate or release any person subject to the condition of a Slave from their service, they shall at the same time, give good and sufficient security to the Church or Town Wardens of the parish or township where they live, that the person so released by them shall not become chargeable to the same, or any other parish or township.

C H A P. VIII.

AN ACT to Establish a COURT of PROBATE in this Province, and also a SURROGATE COURT in every District thereof.

[9th July, 1793.]

Preamble.

Constitution and jurisdiction of the court of probate.

WHEREAS it is expedient to establish a Court for the purpose of granting Probate of Wills and committing Letters of Administration of the Goods of Persons dying Intestate, having Personal Estate within this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That there be constituted and established, and there is hereby constituted and established a Court with full power and authority to issue process and hold cognizance, of all matters relative to the granting of Probates, and committing Letters of Administration, and to grant Probates of Wills, and commit Letters of Administration of the Goods of Persons dying Intestate, having Personal Estate, Rights and Credits within this Province, to be called and known by the name of the Court of Probate of the Province of Upper-Canada, and that the Governor, Lieutenant Governor, or Person Administering the Government thereof, shall preside in the said Court, to hear, give, order or decree, or pronounce judgment in all questions, causes or suits that may be brought before him, relative to the matters aforesaid, and that for such purpose he may from time to time, when he shall be so disposed, call such person or persons as he shall think proper, to be Assessor or Assessors with him, and that it shall and may be lawful for the Governor, Lieutenant Governor or person Administering the Government in this Province, to nominate and appoint from time to time, an official principal of the said Court, together with a Register and such Officers as may be necessary for the exercise of the jurisdiction to the said Court belonging.

II. And whereas it will be convenient for the inhabitants of this Province to be enabled to obtain Probate of Wills, and Letters of Administration within their several Districts; Be it enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government in this Province, to institute, and he is hereby authorized to institute by commission under the Great Seal of this Province, in each and every District thereof, a Court for the purpose of granting Probate of Wills, and Letters of Administration of the Goods of Persons dying Intestate, having Personal Estate within the limits of each District respectively, which Courts shall be severally called and known by the names of the Surrogate Court of the Eastern District, the Surrogate Court of the Midland District, the Surrogate Court of the Home District, and the Surrogate Court of the Western District, and also to appoint from time to time, a Surrogate to preside as Judge in each of the said Courts, to hear, give, order, or decree, or pronounce judgment in all questions, causes or suits, that may be brought before him relative to the said matters, and also from time to time, to nominate and appoint a fit and proper person to be Register, and also such officers as may be necessary for the exercise of the jurisdiction to the said Courts belonging, and that each and every of the said Courts shall have full power and authority to issue process and hold cognizance of all matters relative to the granting of the Probate of Wills and Letters of Administration, and to grant Probate of Wills, and commit Letters of Administration of all and singular the goods and effects, rights and credits of persons dying Intestate, within the limits of their respective districts, except in the cases hereinafter mentioned.

Institution of a surrogate court in each district.

III. *Provided always*, That in all cases where a Testator or Intestate shall die possessed of goods, chattels, or credits to the amount of Five Pounds in any District, other than that in which he usually resided at the time of his decease, or when any Testator or Intestate shall die possessed of goods to the value of Five Pounds, in two or more several Districts within this Province, the Probate of such Will and Letters of Administration of the goods and effects of such person shall be granted by the Court of Probate only, and not by any Surrogate Court.

When testator or intestate dies possessed of chattels or credits in different districts, probate of the will and letters of administration shall be granted by the court of probate only.

IV. And in order to give due authenticity to the acts and proceedings of the said several Courts, *Be it enacted by the authority aforesaid*, That each of the said Courts be provided with a suitable Seal; that on the Seal of the Court of Probate be inscribed the name of the Province; and on the several Seals of the Surrogate Courts the name of the District over which its jurisdiction extends: and that a particular description of such Seals be respectively sent to the office of the Secretary of the Province, to be kept among the Records of the Province.

Seal of each of the said courts.

A description whereof to be sent to the Secretary's office.

V. *Provided always*, That no person shall be entitled or qualified to enter upon or execute the office of Surrogate in any of the Courts so to be established, until after he shall have taken the following oath:

"I, A. B. do solemnly promise and swear, that I will honestly and impartially execute the office of _____ according to the best of my knowledge and ability.

Oath of the Surrogate

So HELP ME GOD."

I

And

And that no person shall be entitled or qualified to act as a Register in any of the said Courts until after he shall have taken the following oath:

Oath of the register.

"I, A. B. do promise and swear, that I will diligently and faithfully execute the office of _____ and that I will not knowingly permit or suffer any alteration, obliteration or destruction to be made or done by myself or others, on any Wills or Testamentary Papers committed to my charge. So HELP ME GOD."

Every will or testamentary paper to be kept as recorded in court, and the transcript thereof duly sealed to be held a sufficient probate.

VI. *And be it enacted by the authority aforesaid,* That every Will or Testamentary Paper, which shall be duly proved, approved and insinuated in the Court of Probate, or in any Surrogate Court within this Province, shall be kept and preserved among the records of the said Court, and that a transcript thereof duly authenticated under the Seal of the said Court, shall be taken and received as the regular Probate of such Will or Testamentary Paper, so far as the same may regard the disposal of any personal estate or effects, in all and every of His Majesty's Courts within this Province, or wherever it may be necessary to produce the same.

Circumstances required to render nuncupative wills good.

VII. *And be it enacted by the authority aforesaid,* That from and after the passing of this Act, no Nuncupative Will shall be good, where the estate thereby bequeathed shall exceed the value of Thirty Pounds, that is not proved by the oaths of three witnesses at the least, that were present at the making thereof, nor unless it be proved that the Testator, at the time of pronouncing the same, did bid the persons present, or some of them, bear witness that such was his Will, or to that effect, nor unless such Nuncupative Will were made at the time of the last sickness of the deceased, and in the house of his or her habitation or dwelling, or where he or she hath been resident for the space of ten days or more next before the making of such Will, except when such person was surprized or taken sick being from his or her own home, and died before he or she returned to the place of his or her dwelling.

Period of time within which proof of nuncupative wills is admissible.

VIII. *And be it further enacted by the authority aforesaid,* That after six months passed after the speaking of the pretended testamentary words, no testimony shall be received to prove any Will Nuncupative, except the said testimony or the substance thereof were committed to writing within six days after making the said Will.

Preliminary measures to be taken, previous to granting probate of nuncupative wills.

IX. *And be it further enacted by the authority aforesaid,* That no Letters Testamentary, or Probate of any Nuncupative Will shall pass the Seal of any Court till fourteen days at the least after the decease of the Testator be fully expired, nor shall any Nuncupative Will be at any time received to be proved unless process have first issued to call in the Widow or next of Kindred of the deceased, to the end that they may contest the same, if they shall be so advised.

Proof to be adduced of the demise of an intestate.

X. *And be it enacted by the authority aforesaid,* That no Letters of Administration shall be granted by the Court of Probate, or by any Surrogate Court, of the goods, chattels or credits of any person represented as having died Intestate, until due proof be made before the said Judge or Surrogate, to his satisfaction, that such person is dead, and died Intestate.

XI. *And be it further enacted by the authority aforesaid,* That when application is made for Letters of Administration of the goods, chattels and credits of any person dying Intestate, by any person or persons not entitled to the same as next of Kin to the Intestate, the Judge of the Court of Probate, or Surrogate to whom such application shall be made, shall before the granting of the Administration, issue a citation to the next of Kin to the Intestate, summoning him or her to appear, and shew cause, if any they have, why the Administration should not be granted to the person or persons so applying, which citation shall be served upon the next of Kin to the Intestate, residing within this Province, and if the next of Kin, nor any person of the Kindred of the Intestate shall happen to reside in this Province, then a copy of such citation shall be affixed up in some public place in the town where the Intestate did reside at the time of his or her death, at least ten weeks before the return thereof, and in case such Intestate did not reside within this Province at the time of his or her death, then a copy of the citation shall be published in the Upper-Canada Gazette, once in every month during the space of eight months before the return thereof. *Provided always,* That in case the person next of Kin usually residing within this Province, and regularly entitled to Administer, should happen to be absent from the Province, it shall and may be lawful for the Judge of Probate or Surrogate, within the limits of his District, to grant a temporary Administration to the next of Kin who shall be in the Province, of the Intestate, during a limited time, or to be revoked upon the return and application of such nearest of Kin as aforesaid, and for that purpose to take sufficient Bonds from the party to whom such temporary Administration shall have been granted, for the surrender of such Letters of Administration, and to account for the same, in manner herein after to be mentioned.

Steps to be taken in granting administration to persons not next of kin.

Temporary administration.

XII. *And be it further enacted by the authority aforesaid,* That the Judge of Probate, and every Surrogate in his several District, shall and may upon their respective granting and committing Letters of Administration of the goods of persons dying Intestate, take sufficient Bonds of the respective person or persons to whom any Administration is to be committed, with two or more able Sureties, respect being had to the value of the estate, in the name of the Governor, Lieutenant Governor or person administering the government of the said Province, or with the condition in form and manner following, *mutatis mutandis*:

Bonds to be taken of the persons to whom administration shall be granted.

"The condition of this obligation is such, that if the within bounden *A. B.* Administrator of all and singular the goods, chattels and credits of *C. D.* deceased, do make or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come into the hands, possession or knowledge of him, the said *A. B.* or into the hands and possession of any other person or persons for him, and the same so made, do exhibit or cause to be exhibited into the registry of Court, on or before the day of next ensuing, and the same goods, chattels and credits, and all other the goods, chattels and credits of the said deceased, at the time of his or her death, which at any time after shall come into the hands or possession of the said *A. B.* or into the hands and possession of any other person or persons for him, do well and truly Administer according to law, and further do make or cause to be made, a true and just account of his said Administration, at or before the day of

Form and condition of such bonds.

and

and all the rest and residue of the said goods, chattels and credits, which shall be found remaining upon the said administrator's account, the same being first examined and allowed by the Judge of the Court, for the time being, shall deliver and pay unto such person or persons respectively, as the said Judge by his decree or sentence, conformably to the provisions in a certain Act of Parliament, intituled, "An Act for the better settling Intestate Estates," and passed in the twenty-second and twenty-third year of the reign of Charles II. and also in a certain Act passed in the first year of King James II. contained, shall limit and appoint, and if it shall hereafter appear, that any last Will or Testament was made by the deceased, and the executor or executors therein named do exhibit the same unto the said court, making request to have it allowed and approved accordingly, if the said A. B. within bounden, being thereunto required, do render and deliver the said Letters of Administration (approbation of such Testament being first had and made) in the said Court, then this obligation to be void and of none effect, or else to remain in full force and virtue" which Bonds are hereby declared and enacted to be good and binding to all intents and purposes, and pleadable in any Courts of Justice.

Such bonds pleadable.

Method of making distribution of the proceeds of an intestate's estate.

After the term of one year.

Security to be given the administrator against demands which may arise after distribution.

XIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the said Judge of Probate and Surrogate respectively, and they are hereby enabled to call by citation under the seal of their several Courts, such Administrators to account, for and touching the goods of any person dying Intestate within their several jurisdictions, and upon hearing, and due consideration thereof, to order and make just and equal distribution of what remaineth clear, after all debts, funeral and just expences of every sort, first allowed and deducted, according to the provisions in the said Statutes herein before mentioned, contained. *Provided always*, to the end that a due regard be had to creditors, that no such distribution of the goods of any person dying Intestate be made, until after one year be fully expired, after the Intestate's death: and that such and every one, to whom any distribution and share shall be allotted, shall give Bonds with sufficient Sureties, in the said Courts, that if any debt or debts truly owing by the Intestate, shall be afterwards sued for and recovered, or otherwise made to appear, that then and in every such case, he or she shall respectively refund and pay back to the Administrator, his or her rateable part of such debt or debts, and of the costs of suit, and charges of the Administrator by reason of such debt, out of the part and share so as aforesaid allotted to him or her, thereby to enable the said Administrator to pay and satisfy the said debt or debts, so discovered after the distribution made as aforesaid.

Process of the said courts respectively, in cases of disobedience or contempt.

XIV. *And in order to enforce, when it shall be necessary, due respect and obedience to the process, orders, sentence or decree of the said Courts, in all matters within their cognizance, Be it enacted by the authority aforesaid*, That it shall and may be lawful for the said Judge of the Court of Probate, and his Surrogates within their respective Districts, and they are hereby authorized upon application made and supported by certificate from the Register or proper officer, of any neglect of, or disobedience to the regular process order or sentence of the Court, or upon any complaint to be verified upon oath, by any Apparitor, officer, or other person, of any wilful contempt or resistance

sistance to the regular process or sentence of the said Courts or any of them, or to the service thereof, to proceed against the parties, so withstanding, disobeying or offending, by attachment to be directed to the Sheriff of the District, who is hereby authorized and required to execute the same; and in case the Sheriff return that the party is not found in his District, that the said Courts and each of them may issue a proclamation directed to the Sheriff of the District, which he is hereby authorized and required to make, that the said party do on his allegiance personally appear in the said Court, on a day in the said proclamation to be named; and in case the Sheriff return that the party is not found, and he do appear at the time and place as commanded, that the said Courts and each of them may proceed to a sequestration of the personal effects, goods and chattels of the said party in contempt, to be directed to certain persons to detain and keep the same, until the said contempt be cleared or the Court make order to the contrary.

Attachment.

Sequestration of the personal estate.

XV. *And be it further enacted by the authority aforesaid*, That in all cases where any Administration shall be granted with a Will annexed, either by the Judge of the Court of Probate in this Province, or by any Surrogate of any District of this Province, such Letters shall contain an express provision or condition that the Will of the deceased; in such Testament expressed, shall be observed and performed, and for such purpose that Bonds with two or more able and sufficient Sureties, shall be taken of the respective person or persons to whom such Administration shall be committed, in such penalties as to the Judge or Surrogate shall appear reasonable, respect being had to the value of the estate of the said Testator, which condition may be as follows: "The condition of this obligation is such, that if the above bounden , Administrator (or Administratrix, as the case may be,) of all and singular the goods, chattels and credits of the said , deceased, with the Will of the said , annexed, and not administered by (as the case may be) do make or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said , deceased, which shall have come to the hands, possession or knowledge of the said , or into the hands and possession of any other person for the said , and the same so made do exhibit or cause to be exhibited (where such Bond shall be taken by the Judge of the Court of Probate) into the Registry of the Court of Probate of this Province, or into the Office of the Surrogate of the District of , at or before the expiration of six calendar months from the date of the above written obligation, and the same goods, chattels and credits, and all other goods, chattels and credits of the said deceased, at the time of his or her death, which at any time after shall come into the hands and possession of the said , or into the hands and possession of any other person or persons for the said , do well and truly administer according to the directions and true intentions of the Testator or Testatrix, (as the case may be) expressed in the Will to the Letters of Administration granted to the said , annexed, as the law directs, and further when thereunto lawfully required, do make or cause to be made a true and just account of Administration, then this obligation to be void and of none effect, or else to remain in full force and virtue." Which Bonds shall be of the same force and effect, and may be prosecuted upon the like occasions, and for the purposes and in the same manner as the Bonds taken upon the granting of Administrations of persons dying Intestate, herein before set forth.

In administration granted with a will annexed, it shall be expressly conditioned, that such will shall be performed.

Form and condition of bond to be entered into in such case.

Force and effect of such bond.

An appeal to lie from the surrogate courts to the court of probate,

if made within fifteen days next after judgment below,

and that the value of the rights affected exceeds fifty pounds.

XVI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for all persons who may be aggrieved by any order, sentence, judgment or decree of any Surrogate Court within this Province, to appeal from the same or any part thereof, to the Judge of the Court of Probate, who shall have full power and authority, and hereby is authorized and required to examine, hear and finally determine all such appeals, and all matters concerning the same, and to reverse, affirm or alter such order, sentence, judgment or decree, and to make such other order or decree therein, as justice and equity shall require, and thereupon to remit the same, with his order, judgment or decree in the premises, and all things concerning the same, into the Court so appealed from. *Provided always,* That all such appeals from the said Surrogate Court, shall be made within fifteen days next after making or giving the order, sentence, judgment or decree so appealed from, and upon security being given to the satisfaction of the said Surrogate, for prosecuting such appeal, such order, sentence, judgment or decree, shall be suspended. *Provided always,* That no appeal shall be had or lie from any such order, judgment, sentence or decree of any Surrogate Court, unless the value of the goods, chattels, rights or credits to be affected by such order, judgment, sentence or decree, shall be more than fifty pounds.

Terms of sitting of the said courts.

XVII. And in order that certain stated times be fixed for the hearing and determining all motions, petitions, pleadings, suits and causes respecting the matters aforesaid, that may be brought before the said Court of Probate, or the said Surrogate Courts: *Be it enacted by the authority aforesaid,* That four terms or times of Session be appointed in each and every year for the purposes aforesaid, the first term to be holden from the first Monday in January to the Saturday of the same week inclusive; the second to be holden from the last Monday in March, to the Saturday of the same week inclusive; the third to be holden from the first Monday in June to the Saturday of the same week inclusive; and the fourth term to be holden from the last Monday in September to the Saturday of the same week.

Fees to be taken by the official principal surrogate and register.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Members and Officers of the said Courts to demand and take the following fees:—

OFFICIAL PRINCIPAL AND SURROGATE.			REGISTER.		
For Seal to the Probate of a Will, to Letters of Administration with the Will annexed, and to Letters of Administration, where the Property devolving is under £300,	£	s. d.	£	s. d.	
	0	16 0	0	6 8	
From 300 to 1000l.	1	0 0	0	6 8	
When above 2000l.	2	0 0	0	6 8	
For Seal of the Court to any writing or instrument,	0	13 4	0	3 4	
For receiving Caveat,	0	6 8	0	0 0	
For Filing the same,	0	0 0	0	3 4	
For receiving Inventory,	0	6 8	0	0 0	
For Filing the same,	0	0 0	0	3 4	
For Citation	0	3 4	0	1 0	
For Collating Will,	0	0 0	0	6 8	
For Drawing Bond and attesting Execution,	0	0 0	0	6 8	
For Searching Register, each year,	0	0 0	0	1 0	
For Office Copy, each page eighteen lines, six words in each	0	0 0	0	1 0	

APPARATOR OR MESSENGER.

For Service of Citation,	-	-	-	0	2	0
For Travelling, each mile.	-	-	-	0	0	4

by the apparitor or messenger.

C H A P. IX.

An Act to authorize the Lieutenant Governor, to nominate and appoint certain COMMISSIONERS for the purposes herein mentioned.

[Expired]

C H A P. X.

An Act to establish a FUND for paying the SALARIES of the OFFICERS of the LEGISLATIVE COUNCIL and ASSEMBLY, and for defraying the CONTINGENT EXPENSES thereof.

[Expired.]

C H A P. XI.

An Act to encourage the DESTROYING of WOLVES and BEARS in different parts of this Province.

[Repealed by 47th Geo. III c 2.]

C H A P. XII.

An Act to provide for the APPOINTMENT of RETURNING OFFICERS of the several Counties within this Province.

[9th July, 1793.]

WHEREAS the powers at present subsisting for the appointment of persons to execute the office of Returning Officer in each of the Districts, Counties or Circles, and Town or Townships in this Province, are limited to a certain period which will soon expire, and whereas it is necessary to make

Preamble.

make further provision for the appointment of such Officers; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government for the time being, from time to time to nominate and appoint by an instrument under his Hand and Seal at Arms, a proper person to execute the Office of Returning Officer, for every county or riding, division or town within the Province.

In what manner returning officers shall be in future appointed.

Shall not be compelled to serve for any longer term than one year.

II. *Provided always, and it is hereby enacted*, That no person shall be obliged to execute the office of Returning Officer for any longer time than one year, unless he shall be disposed to continue to execute the same, by and with the consent and approbation of the said Governor, Lieutenant Governor or person administering the government for the time being.

Determination of this Act.

III. *Provided also, and be it hereby enacted by the authority aforesaid*, That this Act shall continue in force for and during the space of seven years, and no longer.

(See 46 Geo. III. c 11, s 3.)

[*Revived and Continued by 40th Geo. III. c 5—48, c 5—52, c 11, 1st Sess. and 56, c 4.*]

C H A P. XIII.

An Act to establish a further FUND for the payment of the SALARIES of the OFFICERS of the LEGISLATIVE COUNCIL and HOUSE of ASSEMBLY, and for defraying the CONTINGENT EXPENCES thereof.

[9th July, 1793.]

Preamble.

14 Geo. III. c

WHEREAS, by a certain Act of the Parliament of Great Britain, passed in the fourteenth year of His Majesty's Reign, intituled "An Act for establishing a Fund towards further defraying the charges of the administration of Justice and support of the Civil Government within the Province of Quebec, in North America." it was therein, amongst other things enacted, "That from and after the fifth day of April, one thousand, seven hundred and seventy-five, there should be raised, collected and paid into His Majesty's Receiver General of the Province, for the use of His Majesty, His Heirs and Successors, a Duty of one pound sixteen shillings, sterling money of Great Britain, for every Licence that should be granted by the Governor, Lieutenant Governor or Commander in Chief of the said Province, to any person or persons, for keeping a house or other place of Public Entertainment, or for Retailing Wine, Brandy, Rum or other Spirituous Liquors, within the said Province,"

Province." and whereas it is necessary that the said Revenue should be increased for the purpose of paying the Salaries of the Officers of the Legislative Council and House of Assembly, and for defraying the Contingent Expenses thereof:

We, Your Majesty's Most Dutiful and Loyal Subjects, the Representatives of the People of the Province of Upper-Canada, in Assembly met, do most humbly beseech Your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," That in addition to the said sum of one pound sixteen shillings sterling as aforesaid, which shall still be and continue to be levied, collected and paid as it hitherto has been levied, collected and paid, by virtue of the Act aforesaid, there shall be raised and levied, collected and paid, under the same restrictions and penalties, in the said Act contained, unto His Majesty's Receiver General, to and for the use of His Majesty, his Heirs and Successors, and to and for the use of this Province, and towards the support of the Civil Government thereof, the further sum of Twenty Shillings currency, upon every Licence that shall be granted by virtue of this Act, in manner following; that is to say, that from and after the fifth day of April [a], which will be in the year of our Lord one thousand seven hundred and ninety-four, it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government, by or through the *Secretary of the Province*, or other person empowered to issue Licences for the vending of Wines, Brandy, Rum or other Spirituous Liquors, to ask for, demand and receive, over and above the sum of one pound sixteen shillings, sterling, as aforesaid, the further sum of twenty shillings, currency, for every Licence that shall or may be granted to any person for keeping a house or any other place of Public Entertainment, or for the Retailing of Wine, Brandy, Rum or other Spirituous Liquors within this Province.

An additional duty of twenty shillings to be levied on all licences for the retail of wines or spirituous liquors, after the fifth day of April, 1794.
[a] (See 45 Geo III. c 1)

II. And be it further enacted by the authority aforesaid, That in every District throughout the said Province, one month at least before the fifth day of April, in every year, being the day whereon the said sums of one pound sixteen shillings sterling, and twenty shillings currency, shall be due and payable as aforesaid, the *Secretary of the Province* [b], or other person empowered to issue the said Licence, shall and is hereby required to give public notice in the Upper-Canada Gazette, or otherwise, to every person selling Wine, Brandy, Rum or other Spirituous Liquors, as aforesaid, to pay the said sum of one pound sixteen shillings sterling, and twenty shillings currency, and to receive or take out a Licence for the same, and by such public notice to warn every person who shall neglect, omit or refuse to take out a Licence, and still continue to Retail any Wine, Brandy, Rum or other Spirituous Liquors, in less quantities at any one time than Three Gallons, of the pains and penalties that they are thereby likely to incur, and hereafter to be inflicted by this Act.

Time and manner of giving public notice annually to the persons, liable to the provisions of this Act, to comply therewith.
[b] (See 45 Geo. III. c 1, s 1 & 3.)

Words to be written, painted or printed over the door of every house of public entertainment.

Penalty for neglecting.

III. *And be it further enacted by the authority aforesaid*, That every person who shall keep a house or other place of Public Entertainment, for Retailing Wine, Brandy, Rum or other Spirituous Liquors, shall cause to be written, painted or printed over the door of such House of Entertainment, in legible characters, the following words; "Licenced to sell Wine and other Spirituous Liquors." and every person neglecting to have the aforesaid words, written, painted or printed as aforesaid, and continue to keep such a house of Entertainment, shall for every such offence forfeit and pay the sum of five shillings currency, to be recovered before any one of His Majesty's Justices of the Peace, upon the oath of one credible witness; one half of which said sum shall be given to the person informing, and the other half paid into His Majesty's Receiver General, to and for the use of His Majesty, his Heirs and Successors, and to and for the use of this Province, and towards the support of the civil Government thereof.

Persons licenced shall enter into bonds to keep a decent and orderly house.

IV. And whereas, by a certain Ordinance, passed in the twenty-eighth year of His present Majesty's Reign, it was declared and enacted, that every person taking out a Licence for the purpose of Retailing Wine, Brandy, Rum or other Spirituous Liquors, should be obliged to enter into a Bond with sufficient sureties, to keep an orderly and decent house; *Be it therefore enacted by the authority aforesaid*, That every person taking out a Licence by virtue of this Act, shall upon receiving such Licence from the *Secretary of the Province, or his agent* or other person for that purpose appointed, enter into a Bond in the penal sum of Ten Pounds to His Majesty, His Heirs and Successors, well and truly to keep a decent and orderly house during the continuance of the said Licence to him granted as aforesaid.

Fees of the Secretary or his agents, on Licences

(a) See 43 Geo. III. c 9.

Fee for drawing bond.

V. *And be it further enacted by the authority aforesaid*, That the *Secretary of the Province or his agent (a)*, or other person appointed to grant such Licence, shall receive from each person to whom a Licence may be granted, over and above the Duty herein before specified, the further sum of two shillings and sixpence for his trouble in making out and issuing the same, and no more; and the Clerk of the Peace or other person who shall draw out such Bond as aforesaid, shall receive and take the sum of two shillings and sixpence, for his trouble therein as aforesaid, and no more, any thing contained in any Ordinance of the Province of Quebec, to the contrary notwithstanding.

Retailers not keeping a house of entertainment, exempted from the additional duty after the expiration of two years.

(See 37 Geo. III. c 11)

VI. *And be it further enacted by the authority aforesaid*, That the additional Duty imposed by this Act, shall not extend nor be construed to extend to any person not keeping a house of Public Entertainment for a longer space of time than two years next after the fifth day of April, which will be in the year of our Lord one thousand seven hundred and ninety-four, but that at and after the expiration of the said term of two years, no person other than such as shall keep a house of Public Entertainment, shall be obliged to pay for any Licence to him granted a greater sum than one pound sixteen shillings sterling, as imposed by the above recited Act.

Application of the monies arising by this Act.

VII. *And be it further enacted by the authority aforesaid*, That the said Receiver General do pay and apply the Monies by him received under and by virtue of this Act, in the manner and for the purposes as set forth in a certain Act

Act, intituled "An Act to establish a Fund for paying the Salaries of the Officers of the Legislative Council and House of Assembly, and for defraying the Contingent Expences thereof." and that it shall and may be lawful for the Receiver General of the Province to deduct from and out of the several sums of money by him received, the sum of three pounds for every hundred pounds that may be raised, levied, collected and paid by virtue of this Act.

33 Geo. III. c. 10.
(See 41 Geo. III. c. 12,
s. 8.)
Poundage of the Receiver General.

(See 41 Geo. III. c. 12,
—43, c. 9,—45, c. 1,—46
c. 6,—48, c. 6,—50, c. 22)

STATUTES OF UPPER-CANADA,

PASSED IN THE THIRD SESSION OF THE FIRST PROVINCIAL
PARLIAMENT,

MET AT NEWARK, ON THE SECOND DAY OF JUNE, AND PROROGUED ON THE NINTH DAY
OF JULY FOLLOWING, IN THE THIRTY-FOURTH YEAR
OF THE REIGN OF GEORGE III.

JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

ANNO DOMINI 1794.

C H A P. I.

An Act for the Regulation of JURIES.

[9th July, 1794.]

Preamble.

FOR the Regulation of Juries, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Clerk of the Peace of each and every District in this Province, shall yearly and every year make up from the returns of the several Assessors of each parish, township, reputed township or place, which shall have been transmitted to him, a true and complete list or transcript of the names of the several inhabitant householders, living in each of the said parishes, townships, reputed townships or places, classed and divided in such manner as by the said returns shall appear, which list or transcript shall be transmitted or delivered by the Clerk of the Peace to the Sheriff of each respective District, or his Under Sheriff, in order for his returning Juries out of the said list from time to time, as he shall be commanded, and that each and every person whose name shall be returned in either of the said lists, shall be held and taken as qualified to serve on Juries, and that no Sheriff or Coroner shall return any person to serve on any Jury, whose name shall not appear in the said list, and that every Clerk of the Peace neglecting his duty therein, shall forfeit the sum of

Five

The clerks of the peace to deliver yearly to the Sheriffs a list of jurors, duly classed.

Persons included in such lists qualified alone to serve on juries.

Penalty for neglect in the clerks of the peace.

Five Pounds to such person or persons as shall inform or prosecute for the same, until the party be thereof convicted, by indictment, before the Justices of the Peace, at any Quarter Sessions of the Peace, to be holden for the District where such neglect shall have been committed.

II. And for preventing abuses by Sheriffs, Bailiffs or other officers, concerned in the summoning and returning of Jurors, *Be it enacted by the authority aforesaid*, That no person or persons shall be returned as a Juror or Jurors to serve on trials at any Assizes or Nisi Prius, Quarter Sessions or District Court, who have served thereat within the space of one year before, and if any such Sheriff shall wilfully transgress herein, any Judge or Justice of Assize or Nisi Prius, may and is hereby required, on examination and proof of such offence in a summary way, to set a fine or fines upon every such offender, as he shall think meet, not exceeding the sum of Ten Pounds for any one offence.

No sheriff or other officer to return as a juror, on trials, any person who has already served as such, within one year.

Penalty.

III. *And be it further enacted*, That the Sheriff, Under Sheriff or officer to whom the return of Juries shall belong, shall from time to time enter or register in a book to be kept for that purpose, the names of such persons as shall be summoned and shall serve as Jurors on trials at any Assizes or Nisi Prius, Quarter Sessions or District Court, with the times of their services, and every person so summoned and attending or serving as aforesaid, shall upon application by him made to such Sheriff, Under Sheriff or officer, have a certificate testifying the same, which certificate the said Sheriff, Under Sheriff or officer is hereby required to make out without fee or reward.

Sheriffs or other officers to keep registers of the jurors on all trials, and to grant certificates of service, if required.

IV. *And be it further enacted by the authority aforesaid*, That no Sheriff, Under Sheriff, or officer or any person whatsoever, shall directly or indirectly take or receive any money or other reward, to excuse any person from serving or being summoned to serve on Juries, and that no Bailiff or other officer appointed by any Sheriff or Under Sheriff to summon Juries, shall summon any person to serve thereon, other than such whose name is specified in a mandate signed by such Sheriff or Under Sheriff, and directed to such Bailiff or other officer, and if any Sheriff, Under Sheriff, Bailiff or other officer shall wilfully transgress in any of the cases aforesaid, any Judge or Justice of Assize or Nisi Prius, may and is hereby required on examination and proof of such offence in a summary way, to set a fine or fines upon any person so offending, as he shall think meet, not exceeding the sum of Three Pounds.

No reward to be taken for excusing any person from serving on Juries, and no Juror to be summoned whose name is not specified in the Sheriff's mandate.

Penalty.

V. *And be it further enacted by the authority aforesaid*, That every Sheriff or other officer, to whom the return of *Venire facias Juratores* or other process for the trial of causes, before Justices of Assize or Nisi Prius, who may be assigned to hold Assizes in any District or place within this Province, doth or shall belong, shall upon his return of every such writ of *Venire facias* (unless in causes to be tried at Bar, or in cases where a Special Jury shall be struck by order or rule of Court,) annex a pannel to the said writ, containing the christian and surnames, additions and places of abode of a competent number of Jurors, whose names shall have been returned in the said-lists, herein before directed to be made out, whose names shall be inserted in the pannel annexed to every *Venire facias*, for the trial of all issues at the same Assizes in each respective District or place,

Method of making the returns of writs of *venire facias juratores*.

No of Jurors to be returned.

(a) See 36 Geo. III. c. 8.

Manner of empanelling the jury for the trial of every cause.

Penalty for not appearing when duly summoned as a Juror and drawn to serve on trial.

Persons aged sixty years exempted.

Fee of each Juror sworn to give his verdict.

(b) See 37 Geo. III. c. 4, s. 8.

The Court of King's Bench, on motion, may order a Special Jury to be struck for the trial of any issue.

which number of Jurors shall not be less than thirty-six in any District or place, nor more than forty-eight, and the persons named in such pannels, shall be summoned to serve on Juries at the then next Assizes or Sessions of Nisi Prius, for the respective Districts or places to be named in such writs, and no other. (a)

VI. *And be it further enacted by the authority aforesaid, That the name of each and every person who shall be summoned and empanneled as aforesaid, with his addition and the place of his abode, shall be written on several and distinct pieces of parchment or paper, being all as near as may be of equal size, and shall be delivered to the Marshall of such Judge of Assize or Nisi Prius, who is to try the causes in each respective District, by the Sheriff or Under Sheriff of the said District, or some agent of his, and shall be put together in a box or glass to be provided for that purpose, and when a cause shall be called on to be tried, the Marshall or some indifferent person by direction of the Court, may and shall in open court draw out twelve of the said parchments or papers successively, and if any of the persons whose names shall be so drawn, shall not appear, or be challenged and set aside, then such further number, until twelve persons be drawn, who shall appear; and after, all causes of challenge shall be allowed to be indifferent; and the said twelve persons, their names being marked in the pannel(a) and they being sworn, shall be the Jury to try the cause, and the names of the persons so drawn and sworn, shall be kept apart by themselves till such Jury shall have given in their verdict, and the same is recorded, or until the Jury shall by consent of the parties or leave of the Court, be discharged; and then the said names shall be rolled up again and returned to the former box or glass, there to be kept with the other names remaining at that time undrawn, and so toties quoties as long as any cause remains to be tried.*

VII. *And be it further enacted by the authority aforesaid, That every person or persons whose name or names shall have been drawn to serve on the trial of any issue and who shall not appear after being openly called three times, shall forfeit and pay, upon oath made by some credible person that the party so making default had been lawfully summoned, such fine, not exceeding the sum of Three Pounds nor less than Twenty Shillings, as the Judge who sits to try the cause shall think reasonable to inflict; unless some reasonable cause of his absence be assigned or proved to the satisfaction of such Judge.*

VIII. *Provided always and be it enacted, That no person aged sixty years, shall be obliged to attend upon any summons to be directed to him for the purposes aforesaid.*

IX. *And be it further enacted by the authority aforesaid, That every common Juryman who shall have been sworn to give his verdict in any issue brought before the Court, shall be entitled to demand and receive the sum of One Shilling (b), from the plaintiff or his attorney, for every cause in which such Juryman shall be sworn, to be accounted for in costs by the party charged with the payment thereof.*

X. *[Repealed by 48 Geo. III. c 13.]*

XI.

XI. }
 XII. } [Repealed by 48th Geo. III. c 13.]
 XIII. }

Persons competent to serve on Special Juries. Fee to be taken by each Special Juror for serving as such.

Which party shall bear the increased costs occasioned by a Special Jury.

XIV. *Provided always and be it further enacted*, That where a view shall be allowed in any case, that in such case six of the Jurors named in such panel, or more, who shall be mutually consented to by the parties or their agents on both sides, or if they cannot agree, shall be named by the officer of the Court, or by the Judge before whom the said cause shall be tried, shall have the view and be first sworn, or such of them as appear upon the Jury to try the said cause, before any drawing of Jurors as aforesaid, and so many only shall be drawn to be added to the viewers as aforesaid, as shall make up the number of twelve to be sworn for the trial of such issue. *Provided also*, That every person attending such view as aforesaid, shall and may demand and receive a sum not exceeding Ten Shillings, for every day on which he shall be so employed.

Provision in cases where a view shall be allowed.

Method of appointing viewers.

Allowance to each of them per day.

XV. *Provided always, and be it further enacted*, That in case no view shall be had, or if a view shall be had by any of the said Jurors, no valid objection shall be made on either side, either for want of a view, or that it was not had by any of the twelve Jurors first named, or that it was not had by any particular number of Jurors named in the said writ, but the trial of the issue shall proceed, any formal objection respecting the view, to the contrary notwithstanding.

The want of a view, or any informalities in having the same, shall not stay proceedings in trying the issue.

[See 32d Geo. III. c 2,—36, c 2,—48, c 13.]

C H A P. II.

An Act to establish a Superior COURT of CIVIL and-CRIMINAL JURISDICTION, and to Regulate the COURT of APPEAL.

[9th July, 1794.]

FOR the general and regular administration of Justice throughout this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That there be constituted and established and there is hereby constituted and established a Court of Law, to be called and known by the name and style of His Majesty's Court of King's Bench, for the Province of Upper-Canada, which shall

Preamble.

A Court of King's Bench established.

Jurisdiction and powers thereof.

shall be a Court of Record of original jurisdiction, and shall possess all such powers and authorities as by the law of England are incident to a Superior Court of civil and criminal jurisdiction, and may and shall hold plea in all and all manner of actions, causes or suits, as well criminal as civil, real, personal and mixed, arising, happening or being within the said Province, and may and shall proceed in such actions, causes or suits, by such process and course as shall tend, with justice and despatch, to determine the same, and may and shall hear and determine all issues of law, and shall also hear, and by and with an inquest of good and lawful men, determine all issues of fact that may be joined in any such action, cause or suit as aforesaid, and judgment thereon give, and execution thereof award, in as full and ample a manner as can or may be done in His Majesty's Courts of King's Bench, Common Bench, or in matters which regard the King's revenue by the Court of Exchequer in England. And that His Majesty's Chief Justice of this Province, together with two Puisne Justices, shall preside in the said Court, which Court shall be holden in a place certain, that is, in the city, town or place where the Governor or Lieutenant Governor shall usually reside; and until such place be fixed, the said Court shall be holden at the last place of meeting of the Legislative Council and Assembly.

Persons who shall preside therein, & place where the same shall be holden.

Terms of sitting.

At what periods the same shall commence respectively.

(a) See 37 Geo. III. c. 4, s. 3.

II. And in order that certain stated times be fixed for the sitting of the Court, *Be it enacted by the authority aforesaid*, That four periods of Session or Terms be appointed in each year, successively, to be known by the names of Hilary, Easter, Trinity and Michaelmas Term. That the Hilary do commence on the *third (a)* Monday in January, and end on the Saturday of the ensuing week. That Easter Term do commence on Monday *next after the sixteenth day of April*, and end on the Saturday of the ensuing week *(a)*. That the Trinity Term do commence on the *third (a)* Monday in July, and end on the Saturday of the ensuing week. And that the Michaelmas Term do commence on the first Monday in *October (a)* and end on the Saturday *next* ensuing. And that the first and last days of every Term, and every alternate day from the first, not including Sunday, be return days.

The Court may adjourn from one return day to the next immediate one.

III. *Provided always, and be it hereby further enacted*, That when the Court shall have good reason to believe there will not be sufficient business to require their daily attendance throughout the term, they may be at liberty to adjourn the Court on any return day, to the next immediate return day.

Manner of issuing & testing writs, and when returnable.

(b) Fifteen—See 37 Geo. III. c. 4, s. 2.

IV. *And be it further enacted by the authority aforesaid*, That all Writs, to be sued out of the said Court, shall issue in the King's name, and be tested by the Chief Justice, or in his absence, by the senior Judge of the Court, and be returnable on some return day in Term time, and that not less than fifteen days inclusive, shall always intervene between the teste and return of the first process that shall be directed to the Sheriff of the Home District, or the District in which the Court shall be holden, and that not less than *forty (b)* days inclusive, shall always intervene between the teste and return of the first process into every other District.

Original process.

V. *And Be it further enacted by the authority aforesaid*, That the original and first process of the said Court, shall be *by writ of capias ad respondendum*; and

and in order that the defendant or defendants may be immediately apprized of the cause of complaint against him or them, the said writ shall state the form of action, and refer to the declaration which shall always be annexed to, and served with the writ ; and for that purpose it is hereby further enacted, That no process shall issue at the suit of any plaintiff, where the defendant is not to be holden to special bail, until the declaration on which it may be founded shall be filed in the office.

Declaration to be annexed to the writ, and filed in the office before process issues.

VI. *And be it further enacted by the authority aforesaid, That no person shall be arrested or holden to special bail, upon any process issuing out of the said court in a civil suit, unless an affidavit be first made by the plaintiff, that the defendant is justly and truly indebted to him, in a sum certain, which together with the account for which it became due, shall be specified, and also that the deponent verily believes the defendant is about to leave the Province, with an intent to defraud his creditors, which affidavit may be made before any Judge or Commissioner of the Court, authorized to take affidavits as herein after is provided, or else before the officer who shall issue such process, or his deputy, which oath the said officer or his deputy are hereby authorized to administer ; and for such affidavit one shilling shall be paid and no more ; and the sum or sums specified in such affidavit, shall be indorsed on the back of the writ, or process, for which sum or sums the Sheriff or other officer to whom such writ or process shall be directed shall take bail, and for no more.*

Circumstances necessary in order to arrest or hold to special bail, and forms in so doing.

(See 51 Geo. III. c 3)

Bail.

VII. *And whereas by reason of the present want of a certain and ready communication throughout the Province, it may be practicable for fraudulent persons to escape from their creditors, before process can be obtained from the said court to prevent them, be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any plaintiff having made such affidavit as aforesaid, to sue out from the Clerk of the Peace in each and every District, a writ of capias ad respondendum, with which the said Clerk shall, from time to time be supplied, signed by the proper officer of the court, on which shall be indorsed the amount of the sum sworn to, and to which the said affidavit shall be annexed ; whereupon it shall and may be lawful for the Sheriff to arrest the said defendant and hold him to special bail, to the amount of the sum indorsed.(a)*

Writs for arresting or holding to special bail, to be procurable from the clerk of the peace in every district.

(a) See 37 Geo. III. c 4, s 1.

VIII. *And be it further enacted by the authority aforesaid, That in all civil suits where the defendant shall not be holden to bail, by reason of such affidavit, as aforesaid, the ordinary course of proceeding shall be by serving or causing the defendant or defendants personally to be served with a copy of the process and declaration, by some literate person ; and if such defendant or defendants shall not appear at the return of the process, or within eight days after such return, in such case it shall and may be lawful for the plaintiff or plaintiffs, upon affidavit being made and filed of the personal service of such process and declaration, which affidavit shall be filed gratis, to enter a common appearance for the defendant or defendants, and to proceed thereon, as if such defendant or defendants had entered his, her or their appearance.*

Ordinary course of proceeding in civil suits.

Affidavit of personal service.

IX. *And be it further enacted by the authority aforesaid, That upon every copy of such process, to be served upon any defendant, shall be written a notice.*

Notice.

tice in the English tongue, to such defendant of the intent and meaning of such service to the effect following :

In the English tongue.

" *A. B.* You are served with this process, to the intent that you may, either in person or by your attorney, appear in His Majesty's Court of King's Bench, at the return thereof being the day of in order to your defence in this action."(*a*)

(*a*) See 37 Geo. III. c 4, s 6.

In the French tongue.

And when any party, defendant, is a Canadian subject by treaty, or the son or daughter of such Canadian subject, the like notice shall be written in the French language.

Appearance.

" *A. B.* Il vous est enjoint et ordonne de comparoitre personnellement ou par procureur a la Cour du Banc du Roy a l'expiration de ce writ qui sera le jour pour repondre a cette action."(*a*)

Demand of a plea.

Time allowed for filing the same.

(*b*) See 41 Geo. III. c 9

Judgment for want of a plea.

X. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for each and every defendant personally to attend and enter his, her or their appearance at the office, on or before the day at which the process or writ shall be returnable, or to authorize any person to enter an appearance for him, her or them : and that in all actions or suits where the defendant or defendants have entered, or caused such appearance to be entered, the plaintiff or his attorney shall, by a demand in writing, call for a plea ; and in all actions or suits where the defendant or defendants live within the Home District, or the District in which the Court shall be holden, four days shall be allowed after such demand, as the ordinary time within which they shall be required to file their plea to the action ; and in all actions or suits, where the defendant or defendants reside without the limits of the Home District or District in which the Court shall be holden, eight (*b*) days shall be allowed after such demand, as the ordinary time within which they shall be required to file their plea and ; if after the expiration of such times respectively, no plea be filed, it shall and may be lawful for the plaintiff or plaintiffs or his attorney to sign judgment in the cause.*

Judgment for want of appearance.

(*c*) See 37 Geo. III. c 4, s 6.

XI. *And be it further enacted by the authority aforesaid, That in all actions or suits where the defendant or defendants having been served with a copy of process, with such written notice as aforesaid, shall neglect to enter their appearance at the return of the writ, it shall and may be lawful for the plaintiff or plaintiffs, having entered such appearance for the said defendant or defendants, as aforesaid, at the expiration of eight days after having entered such appearance, to sign judgment in the cause, without any demand of a plea.*(*c*)

First and last days to be inclusive.

XII. *And be it further enacted by the authority aforesaid, That the first and last days of all periods of time limited by this Act, or hereafter to be limited by any rules or orders of Court, for the regulation of practice, be inclusive.*

Form of proceeding to issue.

XIII. *And be it further enacted by the authority aforesaid, That the form of proceeding in the said court shall be by a course of pleading to issue in a most compendious manner ; and that in all actions founded on a common undertaking, the following form of declaration may be adopted :*

"*A. B.*

"*A. B.* complains of *C. D.* late of _____ for that whereas the said *C. D.* on the _____ day of _____ at _____ was indebted to the said *A. B.* in the sum of _____ (the consideration advanced) and being so indebted, he the said *C. D.* then and there undertook and faithfully promised the said *A. B.* to pay him the said sum, when he the said *C. D.* should be requested, and though since requested, doth now refuse so to do, to the said *A. B.* his damage of £ _____ who therefore brings his suit.

Form of a declaration on a common undertaking.

XIV. *And be it further enacted by the authority aforesaid,* That each and every of the statutes of jeofails, and each and every of the statutes of limitations, and each and every of the statutes for the amendment of the law, excepting those of mere local expediency, which from time to time have been provided and enacted, respecting the Law of England, be adopted and declared to be valid and effectual for the same purposes in this Province.

The statutes of jeofails, limitations, and for the amendment of the law, adopted as in England.

XV. And in order to discourage vexatious suits, and to prevent additional charges upon any defendant or defendants, who may be willing to pay the sum which he or they admit to be justly due, *Be it enacted,* that in all cases where the sum demanded by any plaintiff or plaintiffs, is a sum certain or is capable of being ascertained by computation of numbers, it shall and may be lawful for any defendant or defendants, to move that he or they may be at liberty to pay into court such sum as he or they shall propose to pay in full discharge of the said demand; whereupon the court may order a rule to be drawn up to such effect, or in time of vacation, such order may be made by a judge of the court, and in case the plaintiff shall be willing to accept, and shall accept the same, together with all costs accruing to that time, to be taxed by the proper officer, the same shall be in full satisfaction of such his demand, and all further proceedings in the said action shall cease; and to the end that every plaintiff, or his attorney may know of such proceeding, the defendant or defendants shall, and are hereby required to serve a copy of the rule authorizing such payment to be made, upon the plaintiff or his attorney, at the time of filing his plea of the general issue, to such plaintiff's declaration.

A rule of court to be obtained, on motion, for the payment of money into the same, in liquidation of a debt certain.

and a copy of such rule served on the plaintiff, or his attorney.

XVI. *Provided always,* That upon payment of money into court, it shall and may be lawful for the officer receiving the same, to demand and take a sum not exceeding twenty shillings, for every hundred pounds so paid into court, and at and after the same rate and proportion, for every sum of money so paid, and also to demand and take the sum of one shilling for every receipt by him given on account of money so paid in as aforesaid.

Poundage and fees of the officer receiving the same.

XVII. And for the more convenient administration of Justice throughout the Province, *Be it enacted,* That it shall and may be lawful for the Governor, Lieutenant Governor or person administering the Government of this Province, to issue yearly and every year, in the vacation between the Trinity and Michaelmas Terms, such commissions of Assize and Nisi Prius, into the several Districts, as may be necessary for the purpose of trying all issues joined in the said Court, in any suit or action arising in the said Districts respectively; and that when a suitable communication by land shall be opened from the city, town or place, which shall be the Seat of Government, into

Commissions of assize and nisi prius to issue, yearly, into the several districts,

and oftener, when circumstances will permit.

into the respective Districts, and the circumstances of the Province may require it, it shall and may be lawful for the Governor, Lieutenant Governor or Person Administering the government, likewise to issue yearly and every year, in the vacation, between the Hilary and Easter terms, such commissions of assize and nisi prius into each of the several Districts, as may be necessary for the trial of all issues joined in manner aforesaid; *and to that end it shall and may be lawful for any person or persons upon reasonable notice given to the adverse party, or their attorney, to take and sue forth such writs and records of nisi prius, as may be necessary for the trial of all issues joined in the said court as may be triable in the respective Districts of this Province, and thereupon sue out their jury process in such manner and form, and with such awards, as is practised in the courts of nisi prius in England.*(a)

Writs to be sued forth accordingly by the parties.

(a) See 36 Geo. III. c. 2.

XVIII. *Provided always*, That nothing herein contained shall prevent or be construed to prevent the Governor, Lieutenant Governor or Person Administering the Government of this Province, from issuing a special commission or commissions for the trial of one or more offender or offenders, upon extraordinary occasions, when he shall deem it requisite or expedient that such commission should issue.

Special commissions for the trial of offenders to issue, notwithstanding, when expedient.

XIX. *And be it further enacted by the authority aforesaid*, That upon all issues joined in the said Court in any suit or action which shall arise or be triable within the Home District, or in the District where the Court shall be holden, the Chief Justice, or in his absence, any other Judge of the said Court, shall, as Justice of Nisi Prius, for the said District, at their discretion, either in term time, or within *ten* (b) days next after the end of every Easter and Trinity term, respectively, try all manner of issues joined in the said Court, which ought to be tried by an inquest of the said District, and that commissions and writs of Nisi Prius shall be for that purpose from time to time awarded; *and it shall and may be lawful for any person or persons, upon reasonable notice as herein after set forth, given to the adverse party or their attorney, to take and sue forth such writs and records of Nisi Prius as may be necessary, for the trial of such issues as aforesaid.*(b)

Period and manner of trying issues joined in the Home District.

Writs of nisi prius to be sued forth.

(b) See 37 Geo. III. c. 9, & 57, c. 9.

Sheriffs to make return of all writs of nisi prius, and to give their attendance upon the chief justice, or other judge of assize.

XX. *And be it further enacted by the authority aforesaid*, That the Sheriffs of the several Districts shall, and they are hereby required to make return of all writs of Nisi Prius which shall be delivered to them, or their sufficient deputy, before the said Chief Justice, and every other Judge who shall be assigned to execute such commissions of Assize and Nisi Prius, and shall give their attendance upon the said Chief Justice, and each other Justice, as well for the returning of such *tales de circumstantibus* as shall be prayed for the trial of such issues, as for the maintenance of good order in the King's Court, and for the doing and executing of all other things to the office of Sheriff in such case belonging and appertaining.

Notice of trial in the Home District,

XXI. *And be it further enacted by the authority aforesaid*, That no indictment, information or cause whatsoever, shall be tried at Nisi Prius, before any Judge or Justice of Assize or Nisi Prius, or at the sittings for the Home District, or District where the said Court shall be holden, unless notice of trial, in writing, has been given at least eight days before such intended trial; and

and in case any party or parties shall have given such notice of trial as aforesaid, and shall not afterwards duly countermand the same, in writing, at least four days before such intended trial, every such party shall, upon neglect of bringing such issue to trial, be obliged to pay unto the party or parties to whom such notice of trial shall have been given, as aforesaid, the like costs and charges as if such trial had not been countermanded.

Countermand thereof.

XXII. *And be it further enacted by the authority aforesaid,* That no indictment, information or cause whatsoever, shall be tried at Nisi Prius before any Judge or Justice of Assize or Nisi Prius, in any District, other than the Home District, or district where the Court shall be holden, unless notice of trial has been given, at least *twenty* (a) days before such intended trial; and in case any party or parties shall have given such notice of trial as aforesaid, and shall not afterwards duly countermand the same, in writing, at least *fourteen* days before such intended trial, every such party shall, upon neglect of bringing such issue to trial, be obliged to pay unto the party or parties to whom such notice of trial shall have been given as aforesaid, the like costs and charges as if such trial had not been countermanded.

Notice of trial in the other Districts.

(a) See 41 Geo. III. c. 9.

Countermand thereof.

XXIII. *And whereas it may in many cases be desirable for the furtherance of justice to obtain the depositions of witnesses in civil suits, which cannot be had by the ordinary process of subpoena, Be it enacted by the authority aforesaid,* That where the cause of action arises without the jurisdiction of the Court, it shall and may be lawful on special application for that purpose made, to issue a commission under the seal of the Court, to take the examination of witnesses residing without the limits of the Province, due notice being given to the adverse party, to the end that he, she or they, may cause such witnesses to be cross examined, and also that when the testimony of any aged or infirm person, or of any person about to depart the Province may be required, it shall and may be lawful for the said court to issue a commission, in like manner, for the examination of such aged or infirm person, or of any person about to depart the Province, due notice being given to the adverse party for the purposes aforesaid.

Commissions for the examination of witnesses without the Province, and of persons, aged, infirm, or going to depart the Province.

XXIV. *Provided always, and be it further enacted,* That the examination of such aged or infirm person so taken, shall not be admitted or read at the trial of any issue, in case he or she be living at the time of the trial, and that the examination of such person about to depart the Province, so taken, shall not be admitted or read at the trial of any issue, in case he or she shall be in the Province at the time of such trial.

Exceptions in certain cases to the evidence obtained by such examinations.

XXV. *And be it further enacted by the authority aforesaid,* That the allowance of costs to either party, plaintiff or defendant, in all civil suits and penal actions, be regulated by the statutes and usages which direct the payment of costs, by the laws of England. (b)

Costs of suit to be regulated by the statutes and usages of England.

(b) (See 58 Geo. III. c. 4.

XXVI. *And be it further enacted,* That the Chief Justice, and other the Justices of the said Court of King's Bench for the time being, or any two of them, whereof the Chief Justice for the time being to be one, shall, and may by one or more commission or commissions, under the seal of the said Court, from time to time, as need shall require, empower what, and as many persons

Commissioners to be empowered to take affidavits

Force and effect of such affidavits.

Pains and penalties of perjury in making such affidavit.

Fee for taking affidavit.

Commissioners to be empowered to take recognizances of bails.

Means of rendering such recognizances of bail effectual.

Fee for taking the same.

Rules to be made for justifying of bail, but by which the cognizors shall not be compellable to personal appearance in court.

sons as they shall think fit and necessary, in all the several Districts within this Province, to take and receive all and every such affidavit and affidavits as any person or persons shall be willing and desirous to make before any of the persons so empowered, in or concerning any cause, matter or thing depending, or hereafter to be depending, or in any wise concerning any of the proceedings to be in the said respective Courts, and that it shall and may be lawful for any Judge of Assize, in his Circuit, to take and receive any Affidavit or Affidavits as any person or persons shall be willing and desirous to make before him, in or concerning any cause, matter or thing depending, or hereafter to be depending, or in any wise concerning any proceedings to be had in the said Court of King's Bench, which said affidavits, taken as aforesaid, shall be filed in the office of the said Court, and there be read and made use of in the said Court, to all intents and purposes as other Affidavits, taken in the said Courts ought to be, and that all and every Affidavit and Affidavits, taken as aforesaid, shall be of the same force as Affidavits taken in the said Court shall and may be ; and all and every person or persons forswearing him, her, or themselves, in such Affidavit or Affidavits, shall incur and be liable unto the same pains and penalties as if such Affidavit or Affidavits had been made and taken in open Court. *Provided always*, that for the taking of every such Affidavit, the person or persons so empowered and taking the same, shall, for so doing, receive only the sum or fee of twelve pence and no more.

XXVII. *And be it further enacted by the authority aforesaid*, That the Chief Justice for the time being, and other the Justices of the said Court of King's Bench, or any two of them, whereof the said Chief Justice shall be one, shall or may by one or more commission or commissions, under the seal of the said Court, from time to time as need shall require, empower such and so many persons as they shall think fit and necessary, in all and every the several Districts of this Province, to take and receive all and every recognizance or recognizances of bail or bails, as any person or persons shall be willing or desirous to acknowledge, or make before any of the persons so empowered, in any action or suit depending, or hereafter to be depending in the said Court, in such manner and form, and by such recognizance or bail as the Justices of the said Court may hereafter take, or may think fit ; which said recognizance or recognizances of bail, or bail-piece, so taken as aforesaid, shall be transmitted to any one of the Justices of the said Court, who upon Affidavit made of the due taking of the recognizance of such bail, or bail-piece by some credible person, present at the taking thereof, such Justice shall receive the same ; which recognizance of bail, or bail-piece, so taken and transmitted, shall be of the like effect as if the same were taken *de bene esse*, before any of the said Justices ; for the taking of which recognizance or recognizances of bail, or bail piece, the person or persons so empowered, shall receive only the sum or fee of two shillings, and no more.

XXVIII. *And be it further enacted*, That the Justices, respectively, shall make such rules and orders for the justifying of such bails, and making of the same absolute, as to them shall seem meet, so as the cognizor or cognizors of such bail or bails be not compelled to appear in person in the said Court, to justify him or themselves ; but the same may, and is hereby directed to be determined by Affidavit or Affidavits, duly taken before the said commissioners

commissioners, who are hereby empowered and required to take the same, and also to be examined by the Justices upon oath, touching the value of their respective estates.

XXIX. *And be it further enacted*, That any Judge of Assize, in his circuit, shall and may take and receive all and every such recognizance or recognizances of bail or bails, as any person shall be willing and desirous to make and acknowledge before him, which being transmitted in like manner as aforesaid, shall, without oath be received in manner as aforesaid.

Recognizances of bail before a judge of assize to be valid.

XXX. *And be it further enacted*, That the several Acts and Ordinances of the Governor and Council, of the late Province of Quebec, whereby the several Courts of Common Pleas in this Province were constituted, and from time to time continued, be, and each and every of them are hereby repealed.

Ordinances, constituting the former courts of common pleas, repealed.

XXXI. *And be it further enacted*, That all proceedings upon actions, instituted and pending in any of the late Courts of Common Pleas in this Province, shall forthwith be transmitted into the said Court of King's Bench, there to be continued to judgment and execution, as if the same had been commenced in the said Court, for which purpose it shall and may be lawful for the Governor, Lieutenant Governor or person Administering the Government of this Province, to issue a commission for the trial of all issues that may be joined in any of the said Courts in their respective Districts, and to direct that the records thereof be returned into the said Court of King's Bench.

Provision for actions pending in the late courts of common pleas

XXXII. *And be it further enacted*, That all and singular the records of the several Courts of Common Pleas for the Eastern District, for the Midland District, for the Home District, and for the Western District of this Province, respectively, shall be transmitted to, and deposited in the said Court of King's Bench, and make a part of the records of the said Court, for all such purposes as to Law and Justice may appertain.

The records of the late courts of common pleas to be deposited in the court of King's Bench.

XXXIII. *And be it further enacted*, That the Governor, Lieutenant Governor, or person Administering the Government of this Province, or the Chief Justice of the Province, together with any two or more members of the Executive Council of the Province, shall compose a Court of Appeal, for hearing and determining all appeals from such judgments or sentences as may lawfully be brought before them.

Court of appeals.

XXXIV. *Provided always and be it further enacted* That when any person having given the judgment or sentence appealed from, shall be a member of the Court of Appeal, it shall and may be lawful for him to assign to the said Court his reasons for delivering such judgment, in case he shall be so disposed, but he shall not be at liberty to give his vote in the decision of the question before the Court.

The judges below, if members of the court of appeal, may assign their reasons, but not give their votes in appeal.

XXXV. *And be it further enacted*, That an appeal shall lie to the Court of the Governor and Executive Council, from all judgments given in the said Court of King's Bench, in all cases where the matter of controversy shall exceed

Limitation of appeals

Security to be given.

exceed the sum of one hundred pounds, or shall relate to the taking of any annual or other rent, customary or other duty, fee, or any other such like demand, of a general and public nature, affecting future rights, of what value or amount soever the same may be, upon proper security being given by the appellant that he will effectually prosecute his appeal and answer the condemnation, and also pay such costs and damages as shall be awarded in case the judgment or sentence appealed from shall be affirmed, and that upon the perfecting such security, execution shall be stayed in the original cause.

Cases of appeal to his Majesty in council.

Security to be given.

XXXVI. *And be it further enacted by the authority aforesaid*, That the judgment of the said Court of Appeal shall be final, in all cases where the matter in controversy shall not exceed the sum or value of five hundred pounds sterling, but in cases exceeding that amount, as well as in all cases, where the matter in question shall relate to the taking of any annual or other rent, customary or other duty, or fee, or any other such like demand of a general and public nature, affecting future rights, of what value or amount soever the same may be, an appeal may lie to His Majesty, in his Privy Council, upon proper security being given by the appellant that he will effectually prosecute his appeal, and answer the condemnation, and also pay such costs and damages as shall be awarded by His Majesty, in his Privy Council, in case the judgment of the said Court of Governor and Executive Council, or Court of Appeals shall be affirmed, and upon the perfecting of such security, execution of the said judgment shall be stayed, until the final determination of such appeal to the King in Council.

Provision for removing the court of King's Bench to another place of holding the same.

Provided always and be it further enacted, That in time of actual war, and when there may be reason to suspect an invasion of the Province from the King's enemies, it shall and may be lawful for the Governor, Lieutenant Governor or person Administering the Government, by and with the advice and consent of the Executive Council, to issue his Proclamation to remove the place of holding the said Court, and to appoint and make known such other place, within the limits of the Province, as shall be deemed most safe and convenient for holding the same.

Fees.

XXXVII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the persons hereinafter mentioned, to demand and take the following fees, and no more, for the services respectively set forth.

Increased fees allowed his Majesty's attorney general.

XXXVIII. *Provided always*, That it shall and may be lawful for His Majesty's Attorney General to demand and receive his fees in the increased proportion of one third, to the following table, to wit :

	£	s.	d.
Taking instructions to prosecute or defend with warrant of attorney,	0	5	0
For drawing declaration	0	5	0
Copy of the same,	0	2	6
Entering common appearance with clerk,	0	1	0
Pleading general issue,	0	3	0
Special plea, replication, or other pleading,	0	10	0
Copy of the same,	0	3	0
Drawing of affidavit,	0	5	0

Notice

Notice of trial and all other notices,	-	-	-	0	2	6
Every subpoena,	-	-	-	0	1	0
Every motion of course,	-	-	-	0	5	0
Every special motion,	-	-	-	0	7	6
Preparing brief of facts,	-	-	-	0	10	0
Arguing demurrer,	-	-	-	0	10	0
Fee with brief in matters under £ 30—10s. above						
Every necessary attendance at the office, or on adverse party,				0	1	0
Attending to strike special jury,	-	-	-	0	7	6
Attending taxation of costs,	-	-	-	0	5	0

FEES to be taken by the CLERK of the King's Bench in Civil Causes.

For sealing, entering and filing every writ or precipe,	-	-	-	0	2	0
For entering appearance,	-	-	-	0	1	0
Drawing every order or rule of court,	-	-	-	0	2	0
Filing every declaration, plea, demurrer, or any pleading or paper,	-	-	-	0	2	0
Attending and striking of special jury, with copies to each party,	-	-	-	0	5	0
Every recognizance entered in court,	-	-	-	0	5	0
Drawing every postea and judgment,	-	-	-	0	13	4
Writ of execution,	-	-	-	0	5	0
Exemplifications and copies of all records, for each sheet containing 72 words,	-	-	-	0	1	0
Searching records for any one year,	-	-	-	0	1	0
General search,	-	-	-	0	2	6
Entering satisfaction on record,	-	-	-	0	2	6
Writ of execution, possession, restitution,	-	-	-	0	5	0

MARSHALL.

Entry of every cause,	-	-	-	0	2	6
Drawing the jury,	-	-	-	0	2	6
Entry of verdict,	-	-	-	0	2	6

CRIER.

Calling and swearing each jury,	-	-	-	0	2	0
Calling Plaintiff on nonsuit,	-	-	-	0	1	0
Proclamation calling any party on recognizance,	-	-	-	0	1	0

SHERIFF.

Serving a writ,	-	-	-	0	2	6
Arrest,	-	-	-	0	5	0
Bail Bond,	-	-	-	0	5	0
Poundage on execution,	-	-	-	0	0	6
When for a sum exceeding 100l.	-	-	-	0	0	3
Service of writ of possession, or restitution,	-	-	-	0	10	0
Bringing up prisoner by habeas corpus, in civil cause,	-	-	-	0	12	0
Travelling per mile,	-	-	-	0	0	6
Executing writ of inquiry, summoning jury, and return of inquisition,	-	-	-	0	10	0
Attending view per diem,	-	-	-	0	15	0

(See 35th Geo. III. c 4,—36, c 2,—37. 4 & 9,
—38, c 6,—40, c 1—41
s 9,—42, c 2,—44. c 1,
s 2,—45, c 7,—49, c 4,—
51, c 3,—56, c 1, s 5, 7,
9 & 10,—56, c 19,—56,
c 4.)

C H A P. III.

An Act to Establish a COURT for the COGNIZANCE of SMALL CAUSES in each and every DISTRICT of this Province.

[9th July, 1793.]

Preamble.

FOR the more convenient administration of Justice in Small Causes, in each District of this Province ; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, 'That there be constituted and established, and there is hereby constituted and established, in each and every District, a Court which shall have cognizance in all actions of contract, for sums above forty shillings, not exceeding the sum of *fifteen* (a) pounds, to be known by the name and style of the District Court, of each respective District, and shall be holden by one or more Judge or Judges, to be appointed by commission, under the Great Seal of the Province.

Establishment and jurisdiction of the District Courts.

(a) See 37 Geo. III. c 6.

Terms, or periods of sitting thereof.

II. And for the regular dispatch of business, *Be it further enacted*, That there be appointed four periods of sitting, or terms for the said Court, in each and every year, which terms shall severally commence on the Monday in the week next but one preceding the week in which the Quarter Sessions are respectively holden, in each District, and shall end on the Saturday in the same week, which Courts shall be severally holden in the respective town, township or place wherein the Court-House for the District is directed to be built, *excepting in the Western District, where the said Court shall be holden in the town of Detroit.* (b)

(b) See 36th Geo. III. c 4, s 2.

Course of proceeding therein.

Form of Summons.
(See 61st Geo. III. c 6.)

Service of such process.

III. [*Repealed* by 51 Geo. III. c 6.]

Appearance by plaintiff in default of defendant.

Writ of enquiry.

IV. *And be it further enacted*, That the said process shall be served on the defendant or defendants by a literate person at least eight days before the return thereof, and in case the said defendant or defendants shall not appear in Court either in person, or by attorney, on the return of the process, it shall and may be lawful for the said plaintiff or his attorney, on the day next after such return day, upon affidavit made of the service of such process, to enter an appearance for such defendant or defendants, and on the day next after the entry of such appearance, in case the defendant shall not have appeared and discharged the costs of such entry either in person or by attorney, it shall and may be lawful for the plaintiff to sign judgment, and sue out a writ of inquiry of damages, directed to the Sheriff of the District, to be executed on some given day, in the course of the week in which the Quarter Sessions, are holden next ensuing, and returnable the first day of the following term.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the defendant or defendants, his or their attorney, to appear on the return day of the writ, and file his plea, on or before the third day after such appearance, which, in case he means to defend the suit and to plead the general issue, may be in the following form: "The said C. D. appears in person or by G. H. his attorney, and says he made no such promise;" and in default of a plea, upon the third day after such appearance, it shall and may be lawful for the plaintiff to sign judgment.

Appearance and plea of defendant.

Judgment in default of a plea.

VI. *Provided always,* That where there are mutual debts between plaintiff and defendant, or if either sue or be sued, as executor or administrator, when there are mutual debts between testator and intestate and the other party, one debt may be set against the other, and such matter may be given in evidence on the general issue, so as at the time of pleading the general issue when any such debt is to be insisted on in evidence, notice be given of the particular sum or debt so intended to be insisted on, and on what account it became due.

A set off admissible, on due notice.

VII. *And be it further enacted by the authority aforesaid,* That in all cases where the defendant or defendants shall enter, or cause his or their appearance to be entered at the return of the writ, it shall and may be lawful for him or them, on motion made in Court, to be supported by affidavit, to apply for further time to put in their plea, which motion the Court shall be at liberty to grant, where sufficient cause shall be shewn, and also to impose such terms on the defendant as Justice may require.

On motion, duly supported, the court may grant further time to plead.

VIII. *And be it further enacted,* That four days notice of trial shall be given to the defendant or defendants of every issue to be joined in the said Court, which notice may be lawfully countermanded, provided such countermand be served on the defendant or his attorney two days before the expiration of the notice.

Notice of trial and countermand thereof.

IX. *Provided always and be it further enacted,* That when the plaintiff having given notice of trial, and not having countermanded the same within the time aforesaid, shall neglect to enter the cause and bring forward the said issue for trial, he shall pay to the defendant or defendants all reasonable costs and charges by him incurred on account of such notice; and in case the said plaintiff shall not give fresh notice of the trial of the said issue, on or before the third day of the term next ensuing, it shall and may be lawful for the defendant to move for, and the Court to give the like judgment as in case of a non-suit.

Provisions in case of not bringing the issue to trial, after having given notice, and no countermand.

X. And to the end that the trial of all issues to be joined in the said Court, as well as the execution of all writs of inquiry, to be sued out upon judgments obtained by default as aforesaid, may be had at the most convenient time and place, it shall and may be lawful for the Judge presiding in the said Court, to issue his precept to the Sheriff of the District, at least seven days before the week in which the Sessions are holden, requiring him to summon, and the said Sheriff shall, and is hereby required upon receipt of such precept, to summon not less than thirty-six, nor more than forty-eight Jurors, living within the said District, to be and appear in the town or place where the Quarter Sessions are usually holden, on the same day on which

Manner, time and places of summoning jurors to try the issues and to execute writs of inquiry.

Fee for each juror.

which the said Sessions do severally commence to be holden, from whom a Jury shall be taken for the trial of each issue, in like manner as directed in all cases to be tried at Nisi Prius; and each person sworn for the trial of any issue joined, shall be entitled to receive six-pence and no more.

Final judgment and execution.

XI. *And be it enacted*, That in all cases when the verdict of the Jurors shall be for the plaintiff, it shall and may be lawful for the plaintiff or his attorney to sign judgment on the third day of the term next after the giving of the said verdict, and to proceed to sue out execution immediately.

Motion in arrest of judgment, or for a new trial.

XII. *Provided always*, That when the party defendant shall have any material or just cause to show why judgment should be arrested, or a new trial had, it shall and may be lawful for him, either in person or by attorney, on the first or second day of the term next ensuing the said verdict, to move the Court, on grounds to be supported by affidavit, for a rule to show cause to the effect above-mentioned; and in case the Court shall see sufficient grounds for the granting of such rule, notice thereof shall be served on the party plaintiff or his attorney, and on hearing the parties, the said rule shall be made absolute or discharged in the course of the said term.

Fees.

XIII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the persons hereinafter named, to demand and receive the following fees and no more, for the services hereinafter set forth:

ATTORNEY.

	£.	s.	d.		£.	s.	d.
Attorney's.				Instructions to sue or defend,	0	5	0
				Declaration, - - -	0	4	0
				Plea, - - - - -	0	2	6
				Entering appearance by the plaintiff, - - -	0	2	6
				Notice, - - - - -	0	1	0
				Motion of course, - - -	0	2	6
				Special motion, - - -	0	5	0
				Brief and fee thereon,	0	10	0

SHERIFF.

Sheriff's.	For every jury sworn,	0	4	0	Poundage, 2 1-2 per cent.
	Every execution, -	0	5	0	Mileage, four pence per mile.

CLERK.

Clerk's.	For filing declaration,	0	2	0	Entering postea and judgment, - - -
	For filing each paper,	0	1	0	
	Taking verdict, -	0	2	6	0 2 0

CRIER.

Crier's.	For swearing jury,	1s. 0d.
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JUDGE.

Judge's.	On every declaration filed,	0	2	6	For signing judgment,	0	10	0
(See 37th Geo. III. c. 38, s. 3, 42, t. 2, 3, c. 4, 68, s. 4.)	Rule of court on all special motions, - - -	0	5	0				

C H A P. IV.

An Act to authorize the Governor or Lieutenant Governor to LICENCE PRACTITIONERS in the LAW.

[9th July, 1794.]

WHEREAS much inconvenience may ensue from the want of persons duly authorized to practise the profession of the Law in this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the operation and effect of the provisions contained in a certain Act or Ordinance of the late Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, intituled, "An Act, concerning Advocates, Attornies, Solicitors and Notaries, and for the more easy collection of His Majesty's Revenues," so far forth as the same regards the regulations concerning Advocates, Attornies, Solicitors and Notaries, be suspended, and the same is hereby suspended, for and during the term of two years from the passing of this Act. (a)

Preamble.

Suspension, for two years of part of the Ordinance of Quebec, respecting attornies, &c.

(a) See 37th Geo. III. c 13, & 38, c 2.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to authorize by Licence, under his hand and seal, such and so many of His Majesty's liege Subjects, not exceeding sixteen in number, as he shall deem, from their probity, education, and condition in life, best qualified to act as Advocates and Attornies, in the conduct of all legal proceedings in this Province; and that upon producing such licence to the proper officer, their names shall be inscribed on a roll for that purpose to be provided, and to be kept among the Records of the Court of King's Bench; and each and every person whose name shall be so inscribed, and no other, shall be holden as duly authorized to receive fees for practising in any of His Majesty's Courts within this Province.

Persons duly qualified, to be licenced, to a certain number, as advocates and attornies.

Enrolled,

and authorized to receive fees accordingly.

III. *Provided always, and be it enacted*, That in case any person or persons so licenced and enrolled, shall be guilty of any malversation or corrupt practice, and the same shall be proved, by evidence, to the satisfaction of the Court of King's Bench, it shall and may be lawful for the said Court to order his or their name or names to be struck off the roll.

But may be struck off by the court, on satisfactory evidence of corrupt practices.

IV. *Provided also, and be it further enacted*, That nothing herein contained shall prevent, or be construed to prevent any person duly qualified according to the provisions in the said Act or Ordinance contained, from being admitted to the exercise of the practise of the Law, conformably to the said Act, and that at and after the expiration of the said two years, the said Act or Ordinance shall again be in force, until other or further provision be made for the like purposes.

Persons admissible by the ordinance, not disqualified by this Act.

Revival of the ordinance.

Fees for each licence
and for enrolment.

V. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Secretary of the Governor, Lieutenant Governor, or person administering the Government of this Province, to demand and take the sum of forty shillings on the delivery of each and every such licence, and for the Clerk of the Court of King's Bench, to demand and take the sum of thirteen shillings and four pence, for inscribing the name of each and every person so licenced upon the roll.

The names of per-
sons authorized accord-
ing to the ordinance
to be enrolled gratis.

VI. *Provided always, and be it enacted* That the Clerk of the Court shall, and is hereby required, to inscribe on the said roll, the name of each and every person duly qualified, according to the provisions in the said Act or Ordinance contained, without any gratuity or fee whatever.

C H A P. V.

An Act to provide for the accounting for all FINES, FORFEITURES and PENALTIES
hitherto reserved to His Majesty, to and for the Uses of this Province.

[9th July, 1794.]

Preamble.

The application of
all monies levied for
the uses of the Pro-
vince; and of fines,
&c. to be accounted for
to his Majesty.

WHEREAS His Majesty, by his Royal Instructions, hath been graciously pleased to direct that all Laws or Ordinances of this Province, for levying of monies, or imposing of Fines, Forfeitures and Penalties should mention and declare the same to be granted or reserved to His Majesty, His Heirs and Successors, for the public uses of the said Province, and for the support of the Government thereof, as by the said Laws or Ordinances may be directed; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the due application of all monies heretofore granted or reserved, and arising or accruing to His Majesty, for the purposes aforesaid, by any Act or Acts of the Legislature of this Province, heretofore made, shall be accounted for unto His said Majesty, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct; any thing in any former Act or Ordinance or clause in any Act or Ordinance to the contrary hereof in any wise notwithstanding.

C H A P. VI.

An Act to amend certain parts of an Act passed in the thirty-third year of the Reign of His present Majesty, intituled, "An Act to authorize and direct the laying and collecting of ASSESSMENTS and RATES, in every District within this Province, and to provide for the Payment of WAGES to the MEMBERS of the HOUSE of ASSEMBLY."

[9th July, 1794.]

WHEREAS the provisions contained in a certain Act passed in the last Session, intituled, "An Act to authorize and direct the laying and collecting of Assessments and Rates in every District within this Province, and to provide for the Payment of Wages to the Members of the House of Assembly," have been found to be not sufficiently comprehensive; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That in addition to the eight classes by the said Act directed to be made out, it shall and may be lawful for the assessors of every parish, township, reputed township, or place, to be nominated and appointed for the ensuing year, and they are hereby required to make out a ninth class, containing the names of such inhabitant householders thereof, as the said assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects, to the value of four hundred and fifty pounds, and not amounting to five hundred pounds.

Preamble.
83d Geo. III.

A 9th class of inhabitant householders to be added to the former classes.

II. And further to make out a tenth class, containing the names of such inhabitant householders as the said assessors, to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects, to the value of five hundred pounds, and not amounting to five hundred and fifty pounds; and further to make out a list of all such inhabitant householders as aforesaid, as the said assessors to the best of their knowledge and judgment, believe to be possessed of real or personal property, goods or effects, above the value of five hundred pounds, specifying the particular amount of the value of the real or personal property, goods or effects, of the said persons, according to the best of the knowledge and judgment of them the said assessors, which list shall be known and called by the name of Upper List.

And also a 10th class.

and a further list to be called the Upper List.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the collector of each parish, township, reputed township, or place, to be nominated and appointed for the ensuing year, and he is hereby authorized, to demand and receive for the year ensuing the twenty-fifth of March next, of every inhabitant householder, whose name shall be included in the said ninth class, the sum of one pound two shillings and six pence, as his rate or proportion of the District Assessment to be levied for the said year.

Rate to be paid by each person classed in the 9th class.

IV.

Rate to be paid by each person classed in the 10th class.

IV. And also to demand and receive for and during the time aforesaid, of every inhabitant householder, whose name shall be included in such tenth class, the sum of one pound five shillings, as his rate or proportion of the District Assessment to be levied for the said year.

Rate to be paid by each person included in the upper class.

V. And also to demand and receive for and during the time aforesaid, of every inhabitant householder, whose name shall be included in the said Upper List, a sum to be calculated at and after the rate of five shillings for every hundred pounds, at which he shall stand assessed in manner aforesaid.

The appellation of the excused list to cease, and henceforth called the under list.

Rate to be paid by each person included therein.

VI. And whereas every inhabitant householder within this Province, possessed of a location or lot of land by His Majesty's bounty, or otherwise, may by his honest industry, support himself, and at the same time contribute something to the public stock of the District ; *Be it enacted* that the appellation of the Excused List, by the said above mentioned Act, directed to be given to the list containing the names of the persons therein specified, do cease and determine ; and that such list be continued to be made out, and be called the Under List ; and that every inhabitant householder within this Province, whose name shall be included in the said Under List, shall for the said year ensuing, contribute and pay the sum of two shillings towards the public stock of the District, to be proportionably diminished, in case it shall not hereafter be found necessary to impose an entire rate according to the provisions in the said Act in that behalf contained.

Means of levying the rates by this Act directed to be paid.

VII. *And be it further enacted*, That the several rates herein directed to be paid, shall be levied, collected, paid and recovered, subject to such provisions, means and penalties, as in and by the said Act, abovementioned, are recited and contained.

C H A P. VII.

An Act for the further REGULATION of the MILITIA of this Province.

[*Repealed by 48th Geo. III. c 1.*]

C H A P. VIII.

An Act to restrain the Custom of permitting HORNED CATTLE, HORSES, SHEEP and SWINE to run at large.

[9th July, 1794.]

Preamble.

WHEREAS the custom of allowing Horned Cattle, Horses, Sheep and Swine to run at large, has been found occasionally inconvenient and detrimental ; *Be it enacted by the King's Most Excellent Majesty, by and with*

with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any person or persons to permit any Horned Cattle, Horse, Sheep or Swine to run at large, otherwise than under the regulations and restrictions herein after provided:

Cattle henceforth not to run at large, but under certain regulations:

II. *And be it further enacted*, That henceforth it shall and may be lawful for the inhabitant householders, or the greater part of them, in every District within this Province, in their annual town meetings lawfully assembled, to ascertain and determine in what manner and at what periods, Horned Cattle; Horses, Sheep (a) and Swine, or any of them, shall be allowed to run at large, within their respective divisions, or to resolve that the same; or any part thereof, shall be restrained from so doing.

Which regulations shall be made in the respective town meetings annually.

(a) See 44th Geo III. c 4, s 1.

III. *And be it further enacted*, That if any Horned Cattle, Horse, Sheep, or Swine be found running at large in any town, township, reputed township or place, contrary to the regulations of the town meeting thereof; it shall and may be lawful for any of the pound keepers thereof, and on receiving notice, he is hereby required to empound such Horned Cattle, Horse, Sheep or Swine so trespassing, and to detain the same, until the person or persons who may have sustained any damage by the trespass of the same, shall have received from the owner or owners of such Horned Cattle, Horse, Sheep or Swine, reasonable compensation, and until the fees of such pound keeper shall have been satisfied, which fees His Majesty's Justices of the Peace in their General Quarter Sessions assembled, or the greater part of them, are hereby authorized and required to regulate and ascertain, in and for their respective Districts; any thing in any Act or Ordinance of the late Province of Quebec, or in any Act of the Legislature of this Province to the contrary of the provisions of this Act in any wise notwithstanding.

Cattle trespassing to be empounded, until the damages done and the poundkeepers fees be paid.

Which fees shall be regulated in Quarter Sessions.

(See 43d Geo. III. c 10, & 44, c 4)

C H A P. IX.

An Act to repeal certain parts of an Act passed in the Second Session of the Legislature of this Province; intituled, "An Act to regulate the laying out, amending, and keeping in Repair the PUBLIC HIGHWAYS and ROADS within this Province," and to make further Provisions respecting the same.

[Repeals for a time part of 33d Geo. III. c 4; which is Repealed in toto by 50th Geo. III. c 1.]

C H A P. X.

Geo. III. c 8.

An Act to amend certain parts of an Act passed in the thirty second year of His Majesty's Reign, intituled, "*An Act for Building a GAOL and COURT HOUSE in every District throughout this Province, and for altering the NAMES of the said DISTRICTS.*"

[9th July, 1794.]

Preamble.

A gaol and court-house to be erected in the town of Cornwall, in the Eastern District.

(a) See 48 Geo. III. c 15. s 3.

Funds for erecting the said gaol and court-house.

The application and distribution of such funds to be cognizable in quarter sessions.

The sheriff to nominate the gaoler, &c.

The gaol and court-house to be under the established rules and regulations.

WHEREAS it is necessary for the ease of the inhabitants of the Eastern District, that two Gaols and Court Houses should be built therein; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That in addition to the above mentioned Act, which authorizes and directs that a Gaol and Court House for the Eastern District, shall be built in manner therein mentioned, in the town of *New Johnstown*(a) in the township of *Edwardsburgh*, it shall and may be lawful for the inhabitants of the Eastern District, to erect and build, or cause to be erected and built in the town of Cornwall, a Gaol and Court House, after the manner and under the rules, regulations and conditions appointed and prescribed, by the above mentioned Act, passed in the thirty-second year of His Majesty's Reign as aforesaid.

II. }
III. } [Temporary.]

IV. *And be it further enacted*, That the Sheriff of the said District shall have the same power and authority to nominate and appoint such person as he shall judge most proper to the office of Gaoler and keeper of the Gaol and Court House at Cornwall, as well as to do all other matters and things necessary to be done respecting the government of the said Gaol and Court House at Cornwall, as he had, by virtue of the said Act, to regulate the Gaol and Court House of *New Johnstown*.(a)

V. *And be it further enacted by the authority aforesaid*, That all and every the rules, regulations and conditions, respecting the management and government of the Gaols in each District, as they are prescribed in the aforesaid Act, passed in the thirty-second year of His Majesty's Reign, shall extend and be construed to extend to the management and government of the said Gaol, as in and by this Act is allowed to be erected and built in the said town of *Cornwall*, in the Eastern District as aforesaid.

C H A P. XI.

An Act to lay and collect a DUTY upon STILLs.

[9th July, 1794.]

WHEREAS for the better support of the Government of this Province, it is expedient to increase the revenues thereof; We your Majesty's most dutiful and loyal Subjects, the Representatives of the People of the Province of Upper Canada, in Assembly met, do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the fifth day of April next, there shall be raised, levied, collected and paid yearly and every year, unto His Majesty, His Heirs and Successors, to and for the uses of this Province, and towards the support of the Civil Government thereof, of and from all persons having and using a Still or Stills, or hereafter to have and use a Still or Stills, for the purpose of distilling Spirituous Liquors for sale, a sum not exceeding one shilling and three pence lawful money of this Province, for every gallon, which the body of such Still or Stills shall or may be capable of containing, in manner hereinafter mentioned.

Preamble.

Duty to be paid for every gallon which a still, in use, is capable of containing.

II. And whereas it is expedient to make provision for the service of the current year, *Be it enacted by the authority aforesaid*, That the said duties shall begin and be payable for the seven months which will elapse between the fifth day of September, and the fifth day of April next ensuing the passing of this Act, to be paid at and after the rate of seven pence halfpenny lawful money as aforesaid, per gallon, in manner hereinafter mentioned.

Provision for the current year, to determine in April.

III. And in order that the size of the several Stills to be employed for the purposes aforesaid, may be more truly ascertained, and the duties to be imposed thereon more easily collected; *Be it enacted by the authority aforesaid*, That from and after the fifth day of November next, it shall not be lawful for any person to make use of any Still or Stills, for distilling Spirituous Liquors for sale, until he shall have obtained a Licence for that purpose; and every person desirous of obtaining such a Licence, shall, in a written Requisition for the same, to be made in manner hereafter mentioned, specify and set forth the number of gallons which the body of the Still or Stills he proposes to use, does or do contain, which specification shall be inserted in the Licence to him to be granted; and in case any person shall make use of any Still for the purpose of distilling Spirits for sale without having obtained such Licence, or shall make use of any Still or Stills for the purpose of distilling Spirits, of larger dimensions than that or those

Method of ascertaining the contents of rateable stills.

Penalty for using or having in a situation to be used, stills of larger dimensions than specified in the licence.

those specified in his Licence or Requisition, or shall have in his possession any Still or Stills erected or set up over a furnace or fire place, so as the same may be used for Distilling, capable of containing singly or together a greater number of gallons in the body or bodies thereof, than the number of gallons specified and set forth in his Licence or Requisition, and be thereof lawfully convicted by confession, or on the oath of one credible witness before any of His Majesty's Justices of the Peace, he shall forfeit and pay for every such offence the sum of ten pounds lawful money as aforesaid; to be levied by distress and sale of the offender's goods and chattles, one half of which said sum of ten pounds, shall be given to the person or persons informing, and the other half paid into the hands of His Majesty's Receiver General, to and for the Public Uses of this Province; and that the Still or Stills so employed shall be forfeited to His Majesty, and that the party having used the same shall be incapable of obtaining a Licence for the purpose of distilling Spirituous Liquors for sale, for and during the term of three years.

Licences to be issued by the Secretary.

IV. *And be it further enacted by the authority aforesaid, That the Secretary of the Province for the time being, shall and may by himself and Agents for that purpose to be duly appointed in each and every District of this Province, issue all Licences for the purpose above mentioned, upon such Requisition as aforesaid, which may be in the following form:*

Form of requisition for such licences.

"I, A. B. do require a Licence for using a Still, the body of which is capable of containing gallons and no more, (and in case more than one Still is intended to be used) and also for another Still, the body of which is capable of containing gallons and no more, for the year ensuing the fifth day of April next, as witness my hand A. B. this day of

"To the Secretary of the Province of Upper Canada, or his Agent for the District."

Such requisitions to be filed, and copies thereof granted when required.

V. *And be it further enacted, That every such Requisition, signed by the party as aforesaid, shall be carefully filed and preserved by the said Secretary, or his respective Agent duly appointed, (which appointment shall by the said Secretary be publicly notified in the Upper Canada Gazette) and the said Secretary and each of his said Agents, shall, upon application to any of them for that purpose made, grant to every person desiring the same, a true copy of any such Requisition filed in his office, on payment of one shilling by the party applying for the same, which copy shall be signed by the said Secretary or his Agent, and shall be held and taken as lawful evidence of such Requisition or Licence, for all purposes whatever.*

Time of applying for licences.

VI. *And be it further enacted by the authority aforesaid, That all persons desirous of obtaining such Licence as aforesaid, shall make such application as herein before is set forth, so that they may be supplied with the same, on or before the fifth day of September next ensuing, and to the end that the public may be informed where to apply for such purpose, the Secretary of the Province shall, and is hereby required to give notice in the Upper Canada Gazette, or otherwise, at least six weeks next before the said fifth day of September, and hereafter yearly and every year at least one month before the fifth day of April*

Public notice to be given by the Secretary.

April, setting forth at what place and by whom such Licences are to be issued in every District in this Province; and also the penalties to be incurred by such persons as shall refuse or neglect to comply with the provisions herein contained, and the said Secretary, and his Agents in their respective Districts, shall upon such Requisition as aforesaid, make out and deliver to every person applying for the same, upon payment of the sum of seven pence half penny per gallon as herein before mentioned, a Licence for the purpose of distilling Spirituous Liquors for a period of seven months, which shall expire on the fifth day of April next.

Duty for the current seven months.

VII. *And be it further enacted by the authority aforesaid, That all Licences to be granted for the purposes aforesaid, after the said fifth day of April next, shall be dated on the sixth day of April in the year in which they are issued, and shall expire on the fifth day of April next ensuing the date thereof, and that it shall and may be lawful for the said Secretary or his Agents to demand and receive from every person requiring such Licence, the sum of one shilling and three pence for every gallon which the body of the Still or Stills so Licenced shall be capable of containing, according to the specification in the said Licence contained.*

Duty for every ensuing year.

VIII. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Secretary and each of his Agents severally, to demand and take the sum of two shillings and six pence and no more, as his fee upon the issuing of every such Licence as aforesaid.*

Fees.

IX. *And be it further enacted by the authority aforesaid, That it shall not be lawful for the said Secretary or any of his Agents, to grant a Licence for the working of any Still, unless the body thereof be capable of containing at least ten gallons wine measure, and if any person shall use a Still for the distilling of Spirituous Liquors for sale, the body of which is not capable of containing ten gallons, and be thereof lawfully convicted, by confession or by the oath of one credible witness, before any one of His Majesty's Justices of the Peace, he shall forfeit and pay for every such offence the sum of ten pounds, one half of which shall be paid to the informer, and the other half into the hands of His Majesty's Receiver General, to and for the Public Uses of this Province, and the support of the Government thereof.*

Stills containing less than 10 gallons not to be licenced to distil spirits for sale.

Penalty.

X. *And in order to prevent fraud in the matters aforesaid, Be it enacted by the authority aforesaid, That it shall and may be lawful for any of His Majesty's Justices of the Peace, upon oath first to be made by any credible person, that such person has good reason to believe that the Still or Stills employed by any licenced person, does or do contain a greater number of gallons in the body or bodies thereof, than what is specified in his Requisition or Licence, to grant a search warrant to a peace officer; taking with him the party making oath as aforesaid, and any one other person for the purpose of examining the Still-house or other place, where any Still or Stills may be set up, and of measuring or guaging the bodies thereof; Provided always, That no such warrant be executed before sun-rise or after sun-set.*

Search warrant to be granted on affidavit.

Distillers not to retail,
nor to be Licenced to
retail.

XI. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for any person working any licenced Still or Stills as aforesaid, to sell or barter any quantity of such distilled Liquor less than three gallons, nor shall it be lawful for the *Secretary of the Province or any of his Agents,* to grant a Licence for the purpose of distilling Spirituous Liquors to any person or persons, licenced at the same time to retail Spirituous Liquors, or to grant a Licence for retailing Spirituous Liquors, to any person or persons licenced at the same time to distil Spirituous Liquors.

Payment of the monies
into the hands of
the Receiver General.

XII. *And be it further enacted by the authority aforesaid,* That all monies which shall be received by the *Secretary of the Province or his Agents,* under and by virtue of this Act, for Licences, to commence on the fifth day of September next, shall be paid by the said *Secretary* into the hands of the Receiver General of this Province, on or before the twentieth day of May and that all monies hereafter to be received by virtue of this Act, for Licences, to commence on the sixth day of April, shall be paid in to the said Receiver General, on or before the twenty-first day of June next ensuing, and that all monies that may be received by virtue of this Act after the said twenty-first day of June in each and every year successively, be paid in to the Receiver General, on or before the fifth day of April next ensuing.

Poundage of the Receiver General.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the Receiver General, as Treasurer of this Province, to deduct from and out of the several sums of money to him paid by the *Secretary of the Province,* under and by virtue of this Act, the sum of three pounds, for every hundred pounds by him received as aforesaid.

Accounting of monies.

(As to Ralic, see 43d
Geo. III. c 9. s 1 & 4.—
44th Geo. III. c 7.

XIV. *And be it further enacted by the authority aforesaid,* That all the Fines, Forfeitures and Penalties that shall be incurred under this Act, shall be accounted for to His Majesty, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

C H A P. XII.

An Act for regulating the manner of LICENCING PUBLIC HOUSES, and for the more easy convicting of Persons selling SPIRITUOUS LIQUORS without LICENCE.

[9th July, 1794.]

Preamble.

Recital of an Ordinance passed 28 Geo. III.

WHEREAS the provisions contained in a certain Ordinance of the late Province of Quebec, passed in the twenty-eighth year of His Majesty's Reign, intituled, "An Act or Ordinance for the better security of the revenue arising on the retail of Wine, Brandy, Rum, or Spirituous Liquors, have been found inconvenient; and whereas it is expedient to make other and more easy Regulation respecting the granting Licences to Houses of Public

Public Entertainment; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act or Ordinance shall be and the same is hereby repealed.

The same repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the twentieth day of March next, no Licence shall be granted to any person to keep an Inn or Public House for the purpose of vending Wines, Brandy, Rum, or other Spirituous Liquors, unless he shall first have obtained a Certificate of his being a proper person to keep an Inn or Public House from the Magistrates of the Division wherein he resides or is about to reside, to be granted to him as herein after specified; and all Licences which shall be hereafter granted to the contrary hereof, shall be null and void.

Certificates to be obtained by persons, previous to their being Licenced.

III. *And be it further enacted by the authority aforesaid,* That for the said purpose it shall and may be lawful for the Magistrates acting in each and every Division of the several Districts of this Province, to limit the number of Inns and Public Houses in their several Divisions, and to appoint a day of Public Meeting in each Division in either of the two last weeks in the month of March (a) in every year, at a convenient place within their several Divisions, by a warrant under their hands and seals, or under the hands and seals of any two of them, at least ten days before such Meeting, directed to the High Constable or other peace officer, requiring him to give notice in the most public manner of such intended Meeting, and then and there to hear and receive applications from all such persons as desire to take out Licences for opening Inns or Public Houses within their said several Divisions, and the said Magistrates shall, upon hearing and receiving any application from any person praying to have a Licence granted to him, inquire into the life, character and behaviour of the person so applying, and if it shall appear to the greater part of the Justices then and there assembled, that it is expedient to increase the number of Inns or Public Houses, and that the party applying is a sober, honest and diligent man, and a good subject of our Lord the King, they shall then and there grant a Certificate accordingly under the hands and seals of any two of them, which Certificate shall enable the party holding the same, to apply for and take out a Licence on or before the said fifth day of April then next ensuing the date of the said Certificate, and such Certificate shall be a proper and sufficient warrant for the Secretary of the Province or his Agent, to grant to the said person holding the said Certificate, such Licence on receiving payment of such Duties as are already imposed, or hereafter may be imposed by Law on the same.

The number of inns may be limited by the Magistrates.

(a) See 45th Geo. III. c. 1. s. 3.
Meeting of Magistrates, annually in March, in order to determine upon applications for Licences.

A certificate from the Magistrates so assembled, shall serve as a warrant to obtain a Licence.

On payment of duties.

IV. *And be it further enacted by the authority aforesaid,* That no Certificate, to obtain such Licence, shall be granted to any person not licenced the year preceding, unless such person shall produce to the Justices at the said

Restrictions in granting Licences to persons not Licenced of the preceding year.

said Meeting, should they require it, a testimonial under the hands of the Parson and church or town wardens, or of four reputable and substantial householders and inhabitants of the said Division, wherein the said Inn or Public House is intended to be kept; setting forth, that such person is of good fame, sober life and conversation, and that he has taken the Oath of Allegiance to our Sovereign Lord the King.

Provision for the assignees of inn-holders dying or removing.

V. *Provided nevertheless*, That if any Licenced person shall die or remove from the Inn or Public House kept by him, it shall and may be lawful for the person succeeding to the occupancy of such house, to keep on the said Inn or Public House, during the residue of the term of such Licence, on condition that such person shall obtain an assignment endorsed on the back of the Licence granted to the person so deceased or removed; which assignment shall be executed in the presence of a Magistrate, and shall within thirty days after the death or removal of such person obtain a testimonial as aforesaid, in order to its being produced at the next Division Meeting; and if such assignment be not executed as aforesaid, and such testimonial obtained and signed within the said thirty days, then and in such case immediately from and after the expiration thereof, such Licence shall be null and void; and no Licence so assigned shall entitle any person to keep an Inn or Public House in any other Division than that in which it was originally kept by virtue of the said Licence, such Licence being with regard to all other places, and the same is hereby declared to be, null and void.

Recognizance to be entered into on obtaining a certificate.

See 33d Geo. III. c. 13

Fees.

Recognizance to be transmitted to the clerk of the peace and filed, and registered.

A list of persons under such recognizances to be laid before the ensuing quarter sessions.

Method of proceeding against persons who may have broken the condition of this recognizance.

VI. *And be it further enacted, by the authority aforesaid*, That every person obtaining such Certificate as aforesaid, shall at the same time enter into such Recognizance as by a certain Act of the Legislature of this Province, intituled, "An Act to establish a further fund for the payment of the Salaries of the officers of the Legislative Council and House of Assembly, and for defraying the contingent expences thereof," is directed, and that the clerk of every Division Meeting or other person employed to draw out such Recognizance shall at the execution thereof, demand and take from the person acknowledging the same, over and above the fee by law directed be taken for such Recognizance, the further sum of one shilling, to be paid to the Clerk of the Peace for filing the same, and the clerk of every Division Meeting, or other person drawing the said Recognizance, shall and is hereby required to deliver or transmit the same to the Clerk of the Peace of the District, in order that the same may be filed, and that the Clerk of the Peace in each and every District shall file all Recognizances that they may have taken, and shall be transmitted or delivered to them in manner aforesaid, to be kept among the Records of the District; and the Clerks of the Peace within their several Districts shall keep a Register of all the Recognizances that may have been transmitted or delivered to them, and shall deliver or cause to be delivered to the Justices of the Peace in their Quarter Sessions assembled, next ensuing the fifth day of April yearly, a list of the names of the persons whose Recognizances shall respectively have been filed, and any Justice of the Peace in any District wherein such Licence shall be granted, upon complaint or information that such licenced person hath done or committed any act, offence or misdemeanor, whereby in the judgment of the said Justice, such Recognizance may be forfeited, or the

the condition thereof broken, may by summons under his hand and seal, require such person so complained of or informed against, to appear at the next Quarter Sessions of the Peace for the said District, then and there to answer the matter of such complaint or information; and also may bind the person or persons who shall make such complaint or information or any other person or persons concerned, in a Recognizance to appear at such Quarter Sessions, and give evidence against the person so complained of, or informed against, and the Justices of the Peace in their Quarter Sessions assembled, shall and may have power to direct the Jury which shall attend at such Sessions, for the trial of traverses, or some other Jury of twelve honest and substantial men to be then and there empannelled by the Sheriff without fee or reward, to inquire of the misdemeanor charged in the said complaint or information; and if such Jury shall find that the person so complained of, or informed against, hath done any act, whereby the condition of his Recognizance is broken; such act being specified in such complaint or information, it shall and may be lawful for the Court at such Quarter Sessions, to adjudge such person guilty of the breach of such Recognizance; which verdict and adjudication shall be final to all intents and purposes; and thereupon the said Justices shall order the Recognizance entered into by such offender to be estreated into His Majesty's Court of King's Bench, to be levied to His Majesty's use; and that the said offender shall, from and after such adjudication, be utterly disabled to sell any Wine, Brandy, Rum, or Spirituous Liquors or Strong Waters for the space of three years; and any Licence or Licences granted or to be granted to such person during such time, shall be null and void.

Recognizances to be estreated.

Disability of an offender for three years.

VII. *And be it further enacted by the authority aforesaid, That the Secretary of the Province or other person appointed to deliver Licences to Inn-keepers or Keepers of Public Houses, shall cause all monies that shall or may be by himself or his Agents received for such Licences as may have been issued in each and every District, to be paid into the hands of the Treasurer of this Province, for the time being, on or before the expiration of six months next succeeding the year when such Licences were issued and distributed.*

Monies to be paid into the treasurer's hands within six months.

VIII. *And be it further enacted by the authority aforesaid, That the Secretary of the Province shall and is hereby required yearly and every year, to cause the names of the several persons who shall have taken out a Licence for keeping an Inn or Public House, to be published in the Upper Canada Gazette, on or before the twenty-first day of June, and that the Clerk of the Peace in each and every District do cause the names of all such persons as shall have entered into such Recognizance, to be affixed in two of the most public places in the District for public inspection.*

Names of licenced persons to be advertised.

And of those under recognizances.

FORM OF A WARRANT TO A CONSTABLE TO GIVE NOTICE.

To the High Constable or other Peace Officer of this District.

HOME DISTRICT, }
Division, } **I**N pursuance of the Act in such case made and provided, you are hereby required to give notice in the most public manner to all licenced Inn-keepers or Keepers of Public Houses, and also to all persons unlicenced, who do intend to offer themselves

Form of warrant.

selves to be licenced at the next general Meeting of the said Justices, for that purpose, within this Division; that they do personally appear before the said Justices at the on the at hour of the forenoon of the same day, to take or renew their Licences for the year ensuing; and also to give them notice that every person to be licenced, must personally enter into a Recognizance of ten pounds before the Clerk of the Peace of the District, together with two sureties in five pounds each, that they will not use or suffer any unlawful games, and that they will keep good order and rule within their respective houses; and if he, she, or they shall be hindered by sickness or other reasonable cause to be allowed by the said Justices, that he, she, or they must procure two sureties to be then and there bound in the like manner in ten pounds each. And unto such persons as have not been licenced for the year preceding, you are further to give notice, that no Licence will be granted to any of them, unless every such person shall also at the same time and place, produce a testimonial, should the same be required by the Justices, under the hands of the Minister and church or town wardens, or otherwise of four reputable and substantial householders of the Division; setting forth, that he is of good fame and sober life and conversation, and as they believe, a good subject of our Lord the King, having taken the Oath of Allegiance; Hereof fail not.

GIVEN under our hands this day of in the year of our Lord

A. B. } Justices of the Peace for
C. D. } the said Division.

(As to the Secretary
of the Province, see 48d
Geo. III. c. 9.)

(See 36th Geo. III.
c 3—37, c 11—40, c 4
—41, c 8—43, c 9—46,
c 1—64, c 10 & 66, s 10.)

STATUTES OF *UPPER-CANADA,*

PASSED IN THE FOURTH SESSION OF THE FIRST PROVINCIAL
PARLIAMENT,

MET AT NEWARK, ON THE SIXTH DAY OF JULY, AND PROROGUED ON THE TENTH DAY
OF AUGUST FOLLOWING, IN THE THIRTY-FIFTH YEAR
OF THE REIGN OF GEORGE III.

JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

ANNO DOMINI 1795.

C H A P. I.

An Act to Regulate the Practice of PHYSIC and SURGERY.

[*Repealed by 46th Geo. III. c 2.*]

C H A P. II.

An Act to Ascertain the ELIGIBILITY of Persons to be Returned to the HOUSE of
ASSEMBLY.

[*Repealed by 58th Geo. III. c 9.*]

C H A P. III.

C H A P. III.

An Act to Ratify, Approve and Confirm the PROVISIONAL AGREEMENT entered into by the Commissioners on behalf of this Province, with the Commissioners on behalf of the Province of Lower-Canada.

[Expired.]

C H A P. IV.

[10th August, 1795.]

(See 34th Geo. III.
(2))

An Act to explain and amend an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "An Act to establish a Superior COURT of CIVIL and CRIMINAL JURISDICTION, and to regulate the COURT of APPEAL."

Preamble.

Jurisdiction granted to the Court of King's Bench in actions for goods seized as contraband, and process to be had therein, as in similar cases in His Majesty's Court of Exchequer in England.

WHEREAS doubts have arisen respecting the jurisdiction of His Majesty's Court of His Bench in this Province, as far as the same may concern the condemnation of contraband goods; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, all actions of debt, bill, plaint or information, that may be brought upon any seizure of contraband goods, by any Ordinance or Act in force, or to be in force in this Province, for the prevention of smuggling or any clandestine or unlawful commerce or intercourse heretofore, now, or hereafter carried on or to be carried on, by and between His Majesty's subjects or people of any other state or country when and where the same may be prohibited, shall be heard and determined in His Majesty's Court of His Bench; and that it shall and may be lawful upon any action of debt, bill, plaint, or information, brought or to be brought upon any seizure before this Act made, or to be hereafter made, of any contraband or prohibited goods, now or hereafter made or to be made contraband; for the Justices of His Majesty's Bench for the time being, to proceed to the hearing and determining thereof, in as full and ample a manner as is now done and practised in His Majesty's Court of Exchequer in England, and to condemn the same, if it shall be lawful so to do, and to award such damages and costs, as may now or hereafter be given by any Ordinance or Law now in being or hereafter to be for the regulation of the commerce of this country, any Ordinance or Law to the contrary hereof in any wise notwithstanding.

Michaelmas term to commence henceforth in November.

(See 34th Geo. III.
c 2, s 2—37, s 4, s 3.)

II. And be it further enacted by the authority aforesaid, That in all times to come, the term of Michaelmas shall commence and be holden on the first

first Monday in the month of November, yearly and every year, any Act or Law to the contrary notwithstanding.

III.

The Court of King's Bench to be holden for two years at Newark.

CHAP. V.

An Act for the Public REGISTERING of DEEDS, CONVEYANCES, WILLS, and other INCUMBRANCES which shall be made, or may affect any Lands, Tenements, or Hereditaments, within this Province.

[10th August, 1795.]

WHEREAS the lands now holden within this Province, under the authority of the Crown will be shortly confirmed by Grant from His Majesty under the Seal of the said Province; and whereas it seems to be a desirable measure to establish a Register in each County and Riding within the said Province, that when the said lands shall be so confirmed, if any, or any part of the same shall be transferred or alienated by any Deed of sale, Conveyance, Enfeoffment, or Exchange, or by Gift, Devise, or Mortgage, a memorial of such transfer or alienation shall be made for the better securing and more perfect knowledge of the same; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great-Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act there shall be established in each and every County and Riding of this Province, wherein it may be deemed for the present necessary, and as often after as occasion may require within others, an Office for the enregistering of memorials of all deeds and instruments by which lands within the same, shall or may be transferred, or disposed of, by bargain and sale, enfeoffment, gift, devise, mortgage, or exchange, and that it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government of this Province for the time being, to name the place where such Register Office shall be kept, and to nominate and appoint a person of sufficient integrity and ability to each and every Office that shall or may for the present be established, and as often as occasion may require within the said Province, under the conditions hereinafter mentioned, who shall faithfully cause to be enregistered a memorial of all deeds and other instruments by which lands may be transferred or alienated, that shall or may be presented to him in manner hereinafter mentioned, and because the population of the country may not for the present admit of a separate Register to be appointed to each and every Office that may be for the present established; it shall and may be lawful for the Governor, Lieutenant Governor or Person Administer-

Preamble.

Register offices to be established.

Appointment of register.

A register may perform the duties of more than one office.

A memorial of deeds, conveyances and wills affecting any lands held by grant from the crown under the seal of the Province, may be registered.

Subsequent deeds & conveyances of lands, tenements, &c. comprised in such memorial so registered, to be held fraudulent & void.

Exception.

Notice to be given when the office of register becomes vacant to the governor, &c.

Term limited for filling up such vacancy.

The memorials to be put in writing and brought to the office.

ing the Government of this Province for the time being, to nominate and appoint one sufficient person as aforesaid to hold and perform the duty or duties of one or more Office or Offices wheresoever they may be established, and to order and appoint the place or places where such person shall be constantly or occasionally resident.

II. *And be it further enacted by the authority aforesaid*, That from and after the confirmation of all or any lands to any person or persons by grant from the Crown under the Seal of the Province, a memorial of all deeds and conveyances which shall be made and executed, and of all wills and devises in writing made, or to be made and published when the devisor or testator shall die after making and publishing of the same, of or concerning and whereby any lands, tenements or hereditaments in any County or Riding of this Province may be any wise affected in law or equity, may at the election of the party or parties concerned be registered in such manner as is herein after directed; and that every deed and conveyance that shall at any time after any memorial is so registered be made and executed of the lands, tenements, or hereditaments, or any part thereof, comprised or contained in any such memorial, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such memorial be registered as by this Act is directed, before the registering of the memorial of the deed or conveyance under which such subsequent purchaser or mortgagee shall claim, and that every devise by will of the lands, tenements or hereditaments or any part thereof mentioned or contained in any memorial registered as aforesaid, that shall be made and published after the registering of such memorial, shall be adjudged fraudulent and void against a subsequent purchaser or mortgagee for valuable consideration, unless a memorial of such Will be registered in such manner as herein after directed.

III. *And be it further enacted by the authority aforesaid*, That when and as often as the said Office shall become vacant by the death, forfeiture or surrender of any such Register or Registers, the Justices of the Peace for the said County or Counties, Riding or Ridings, if more than one be held by one person, or the District wherein such County or Counties, Riding or Ridings may be assembled at the general Quarter Sessions of the Peace, next after such vacancy shall happen, or the major part of them, shall in open Court draw up a memorial of such vacancy, and transmit the same without delay to the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, praying that a person of sufficient integrity and ability may be appointed to the said Office or Offices; and the said Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, shall within one month after the said memorial shall be received, appoint a person of sufficient integrity and ability to the said Office or Offices.

IV. *And be it further enacted by the authority aforesaid*, That all and every memorial or memorials so to be entered and registered, shall be put into writing, and brought to the said Office, and in case of deeds and conveyances, shall be under the hand and seal of some or one of the grantors, or some or one of the grantees, his or their heirs, executors, or administrators, guardians

guardians or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed or conveyance, which witness shall upon his oath before the said Register or his Deputy, prove the signing and sealing of such memorial, and the execution of the deed or conveyance mentioned in such memorial; and in case of wills, the memorial shall be under the hand and seal of some or one of the devisees, his or their heirs, executors, or administrators, guardians or trustees, attested by two witnesses, one whereof shall upon his oath before the said Register or his Deputy, prove the signing and sealing of such memorial, which respective oaths the said Register or his Deputy are hereby empowered to administer, and shall endorse a Certificate thereof on every such memorial, and sign the same.

Oaths to be administered and witnesses requisite in registering every memorial.

V. *And be it further enacted by the authority aforesaid*, That every memorial of any deed, conveyance, or will, shall contain the day of the month and the year when such deed, conveyance, or will bears date, and the names and additions of all the parties to such deed, conveyance, or will, or the devisor or testatrix of such will, and of all the witnesses to such deed, will, or conveyance, and the places of their abode, and shall express or mention the lands, tenements, or hereditaments contained in such deed, will, or conveyance, and the names of all the Townships or Parishes within the said County or Counties, Riding or Ridings, where any such lands, tenements or hereditaments are lying or being, that are given, granted, conveyed, devised, or any way affected or charged by any such deed, will, or conveyance, in such manner as the same are expressed or mentioned in such deed, will, or conveyance, or to the same effect; and that every such deed, conveyance and will, or probate of the same, of which such memorial is to be registered as aforesaid, shall be produced to the said Register, or his Deputy, at the time of entering such memorial, who shall endorse a certificate on every such deed, conveyance and will or probate thereof, and therein mention the certain day, hour and time on which such memorial is entered and registered, expressing also in what book, page and number the same is entered, and that the said Register, or his Deputy, shall sign the said certificate when so endorsed, which certificates shall be taken and allowed as evidence of such respective Registries in all Courts of Record whatsoever, and that every page of such Register Book, and every memorial that shall be entered therein, shall be numbered, and the day of the month and the year and hour or time of the day when every memorial is registered, shall be entered in the margins of the said Register Books and of the said memorial, and that every such Register shall keep an alphabetical Calendar of all Townships and Parishes within the said County or Counties, Riding or Ridings, with reference to the number of every memorial that concerns the lands, tenements or hereditaments in every such Township or Parish respectively, and of the names of the parties mentioned in such memorial, and the said Register shall enter or register the said memorials in the same order that they shall respectively come to his hand.

Particulars to be inserted in every memorial.

The deed, conveyance or will shall be produced to the register or his deputy who shall endorse a circumstantial certificate thereon.

Such certificate shall be evidence of registry.

Books of entries to be kept by the registers.

VI. *And be it further enacted by the authority aforesaid*, That every such Register before he enter upon the execution of the said office, shall be sworn before the Justices of the Peace for the County or Counties, Riding or Ridings, or District to which such Register shall be appointed, or District wherein

Registers to be sworn.

wherein such Register shall reside, or any three or more of them (who are hereby empowered and required to administer such oath) in these words :—

Oath.

“You shall truly and faithfully perform and execute the office and duty that is directed and required by an Act of the Legislature of this Province, in registering memorials of deeds, conveyances and wills, within the County or Counties of so long as you shall continue in the said office, and that you have not given, or promised directly, or indirectly, nor authorized any person to give any money, gratuity or reward whatsoever, for procuring or obtaining the said office for you—So HELP YOU GOD.”

The same oath to be taken by the deputy registers.

Recognizance to be entered into by each register.

The same to be transmitted into the court of King's bench.

Limitation of actions upon such recognizances.

Office hours for the despatch of business in every Register office.

Searches.

Fees.

And that when and as often as the said Register shall appoint any Deputy to execute the said office, such Deputy shall before he enter upon the execution thereof, take the said oath appointed to be taken by the Register, before two or more Justices of the Peace for the said County or Counties, Riding or Ridings, or of the District wherein they may be (who are hereby empowered and required to administer such oath) and that every Register at the time of his being sworn into the said office, shall also enter into a recognizance with two or more sufficient sureties, to be approved of by five or more Justices of the Peace of the said County or Counties, Riding or Ridings, or of the said District, by writing under their hands and seals to be registered at the next general Quarter Sessions of the Peace for the said County or Counties, Riding or Ridings, or District, of the penalty of one thousand pounds unto His Majesty, His Heirs and Successors, to be taken by the same Justices of the Peace that approved of his security, conditioned for his true and faithful performance of his duty in the execution of his said office in all things directed and required by this Act; the same to be transmitted by the same Justices of the Peace within six months after the date thereof, into the Court of His Majesty's Bench of the said Province, there to remain amongst the Records of the said Court.

VII. *Provided nevertheless, and be it further enacted*, That when any Register shall die, or surrender his office, and that within the space of one year from and after such death or surrender, no misbehaviour appear to have been committed by such Register in the execution of his said office, then and in such case, at the end of the said one year after his death or surrender, the recognizance so entered into by him, shall become void and of no effect to all intents and purposes whatever.

VIII. *And be it further enacted, by the authority aforesaid*, That every such Register or his sufficient Deputy, shall give due attendance at his Office every day in the year (except Sundays and the first week in June and the last week in December, as also the week of the Holy Passion yearly and every year) between the hours of nine in the forenoon and one in the afternoon, for the despatch of all business belonging to the said office, and that every such Register or his Deputy; as often as required, shall make searches concerning all memorials that are registered as aforesaid, and give certificates concerning the same under his hand, if required by any person.

IX. *And be it further enacted by the authority aforesaid*, That every such Register shall be allowed for the entry of every such memorial as is by this Act.

Act directed, the sum of two shillings and six pence and no more, in case the same doth not exceed one hundred words, but if such memorial shall exceed one hundred words, then after the rate and proportion of one shilling for every hundred words contained in such memorial, over and above the first hundred words, and the like fees for the like number of words contained in every such certificate or copy given out of the said Office, and no more, and for every search in the said Office one shilling and six pence, and no more.

X. *And be it further enacted, by the authority aforesaid, That if any such Register or his Deputy shall neglect to perform his or their duty in the execution of the said Office, according to the rules and directions in this Act mentioned, or commit or suffer to be committed any undue or fraudulent practice in the execution of the said Office, and be thereof lawfully convicted, that then such Register shall forfeit his said Office, and pay treble damages with full costs of suit to every person or persons that shall be injured thereby; to be recovered by action of debt, bill, plaint, or information in any of His Majesty's Courts of Record, wherein no essoin, protection, privilege, or wager of Law shall be allowed, nor any more than one imparlance.*

Penalties for neglect of duty or fraudulent practices of Registers or their deputies.

XI. *Provided also and be it further enacted by the authority aforesaid, That this Act shall not extend to any leases at a rack rent, or to any lease, not exceeding twenty-one years, where the actual possession and occupation goeth along with the lease, any thing in this Act contained to the contrary thereof in any wise notwithstanding.*

Provision relative to leases.

XII. *Provided always, and be it further enacted by the authority aforesaid, That where there are more writings than one for making and perfecting any conveyance or security which do name, mention, or any wise affect or concern the same lands, tenements and hereditaments, it shall be a sufficient memorial and register thereof, if all the said lands, tenements and hereditaments, and the Parishes and Townships where the same lie be only once named or mentioned in the memorial, register and certificate of any one of the deeds or writings, made for the perfecting of such conveyance or security; and that the dates of the rest of the said deeds or writings, relating to the said conveyance or security, with the names and additions of the parties and witnesses and the places of their abodes be only set down in the memorials, registers and certificates of the same, with a reference to the deed or writing whereof the memorial is so registered that contains or expresses the parcels mentioned in all the deeds, and directions how to find the registering the same.*

Several writings, relating to one fact, may be comprized in one memorial and registry.

XIII. *And be it further enacted by the authority aforesaid, That a memorial of any such deeds, conveyances and wills, as shall be made and executed or published in any other place within the said Province, not being within the County or Counties, Riding or Ridings, wherein such lands, tenements or hereditaments lie, shall be entered or registered by the aforesaid Register or his Deputy, in case an affidavit sworn before one of the Judges of the Court of King's Bench, or Commissioner duly authorized to take affidavits, be brought to the said Register or his Deputy, wherein one of the witnesses*

A memorial may be registered of deeds, conveyances and wills executed out of the county wherein the lands, &c. lie, on due proof.

to the execution of such deeds, wills and conveyances shall swear he or she saw the same executed, the same shall be a sufficient authority to the said Register or his Deputy to give the party that brings such deed, conveyance or will and affidavit, a certificate of the registering the same, which certificate signed by the said Register or his Deputy shall be taken and allowed as evidence of the Registry of the same in all Courts of Record in this Province, any thing in this Act to the contrary thereof contained in any wise notwithstanding.

Pains and penalties of forgery and perjury.

XIV. *And be it further enacted by the authority aforesaid*, That if any person or persons shall at any time forge or counterfeit, any such memorial or certificate as are herein before mentioned and directed, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties as in and by an Act of the Parliament of Great Britain, made in the fifth year of the reign of Queen Elizabeth, intituled, "an Act against forgers of false deeds and writings," are imposed upon persons for forging or publishing deeds, charters or writings, sealed court rolls or wills, whereby the freehold or inheritance of any person or persons of, in or to, any lands, tenements or hereditaments, shall or may be molested, troubled or charged; and that if any person or persons shall at any time forswear himself before the said Register or his Deputy, or before any Judge or Commissioner duly authorized in any of the cases aforesaid, and be thereof lawfully convicted, such person or persons shall incur and be liable to the same penalties as if the same had been made in any of the Courts of Record.

Provision for the registry of memorials of wills.

XV. *Provided always, and it is hereby enacted*, That all memorials of wills that shall be registered in manner as aforesaid, within the space of six months after the death of every respective deviser or testatrix dying within this Province, shall be as valid and effectual against subsequent purchasers as if the same had been registered immediately after the death of such respective deviser or testatrix; any thing herein contained to the contrary in any wise notwithstanding, *Provided always*, that in case the devisee or person or persons interested in the lands, tenements or hereditaments devised, by any such will as aforesaid, by reason of the contesting such will or other inevitable difficulty, without his, her or their wilful neglect or default, shall be disabled to exhibit a memorial for the registry thereof within the respective times herein before limited, then and in such case, the registry of the memorial within the space of six months next after his, her or their attainment of such will or a probate thereof or removal of the impediment whereby he, she or they are disabled or hindered to exhibit such memorial, shall be a sufficient registry within the meaning of this Act, herein any thing contained to the contrary thereof in any wise notwithstanding.

Provision in favor of devisees.

No members of the assembly to hold directly or indirectly the office of Register.

XVI.—[*Repealed by 39th Geo. III. c 4. s 1.*]

This Act to be held and taken as a public Act.

XVII. *And be it further enacted by the authority aforesaid*, That this Act shall be taken and allowed in all Courts within this Province as a public Act; and all Judges and Justices are hereby required as such, to take notice thereof without special pleading the same.

SCHEDULE

OF A BARGAIN AND SALE TO BE ENROLLED.

AN Indenture dated made between I. A. of of the one part, and D. P. of of the other part, purporting a deed of Bargain and Sale to be enrolled, of and concerning the same premises mentioned in a lease for a year, bearing date next before the day of the date of the said Indenture of Bargain and Sale, (or as the date is) and made between the said I. A. of the one part, and the said D. P. of the other part; a memorial whereof is registered at the same time herewith, (or as the time is) which Indenture, or Bargain and Sale is witnessed by T. A. of and J. W. of and is hereby required to be registered by me the said I. A. the grantor in the said deed of Bargain and Sale mentioned, as witness my hand and seal this day of (Signed, &c.) I. A.

Forms.

Memorial of a bargain and sale.

OF A MORTGAGE FOR YEARS.

AN Indenture of Mortgage dated the made between W. D. of of the one part, and J. W. of of the other part, whereby the said W. D. for and in consideration of pounds demised unto the said J. W. all that situate and being in and called or known by the name of now in the tenure to hold unto the said J. W. for the term of years: subject nevertheless to a proviso that the same shall be void, on the payment of the sum of pounds and lawful interest for the same, on the day of in the year of our Lord one thousand seven hundred and which said Indenture of Mortgage, is witnessed by and is hereby required to be registered pursuant to the said Act of the Legislature of this Province, by me the said W. D. the grantor in the said deed, as witness, &c. (Signed, &c) W. D.

Of a mortgage.

OF AN INDORSEMENT.

AN Indorsement dated the day of made from J. E. of and W. N. of on the back of a mortgage deed dated the and made between the said J. E. of the one part, and the said W. N. of the other part, of and concerning all that situate and being in now in the tenure or occupation of J. D. which said Indorsement is witnessed by J. E. of and R. W. of and is hereby required to be registered by me the said J. E. the grantor, as witness &c. (Signed, &c.) J. E.

Of an indorsement.

OF A WILL.

A WILL dated the made by J. F. of of and concerning all that messuage and tenement in late in the tenure and occupation of G. L. (or if the words of the Will be general, then say) of and concerning all the lands, tenements or hereditaments, which the said J. F. died possessed of, in the County of which said Will is witnessed by J. G. of and F. W. of and E. T. of this memorial is therefore desired to be registered pursuant to the abovesaid Act, by me E. L. one of the devisees in the said Will mentioned, as witness, &c. (Signed, &c.) E. L.

Of a will.

A CER-

A CERTIFICATE OF MORTGAGE MONEY BEING PAID.

*To the Register of the County of*Of a redemption of
mortgage.

J. W. of do hereby certify that W. D. of hath paid and
satisfied all such sum and sums of money as were due and owing upon a mort-
gage made by the said W. D. to me, bearing date the day of
and registered at of the clock in the forenoon of the day of
following, in full discharge of the same; and I do hereby require
an entry of such payment and satisfaction to be made pursuant to the Act of
the Legislature in that case made and provided, as witness my hand this
day of (Signed) J. W.

Attested by W. M. of J. H. of

Of a certificate of
such redemption.

MEMORANDUM, that upon the certificate of the within named J. W. dated the
day of proved by the oaths of W. M. of and J. H.
of that all monies due on the within mentioned mortgage is fully paid
and satisfied in discharge of the same: this entry in discharge thereof is
made pursuant to the said Act of the Legislature this day of
by THOMAS JONES, Register.

(See 37th Geo. III. c
39, c 4, & 55, c 8.)

STATUTES OF *UPPER-CANADA,*

PASSED IN THE FIRST SESSION OF THE SECOND PROVINCIAL
PARLIAMENT,

MET AT NEWARK, ON THE SIXTEENTH DAY OF MAY, AND PROROGUED ON THE THIRD
DAY OF JUNE, FOLLOWING, IN THE THIRTY-SIXTH YEAR
OF THE REIGN OF GEORGE III.

JOHN GRAVES SIMCOE, ESQUIRE, LIEUTENANT GOVERNOR.

ANNO DOMINI 1796.

CHAP. I.

An Act for the better Regulation of certain COINS current in this Province.

[3d June, 1796.]

FOR the better regulation of certain Coins, current in this Province ; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the gold and silver Coins herein after mentioned, shall passed current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, at the weights and rates following ; that is to say, of gold coins, the British Guinea, weighing five penny weights and six grains, Troy, at one pound three shillings and four pence ; the Johannes of Portugal, weighing eighteen penny weights, Troy, at four pounds ; the Moidore of Portugal, weighing six penny weights and

Preamble.

The gold and silver coins herein specified shall be deemed a legal tender.

Specification, value, and respective weights of such gold coins.

eighteen

eighteen grains Troy, at one pound ten shillings; [
by 49 Geo. III. c 8. s 1.

Repealed

the
Of such silver coins. American Eagle piece, weighing eleven penny weights and six grains, Troy, at two pounds and ten shillings; and of Silver coins, the British Crown, at five shillings and six pence; the British shilling, at one shilling and one penny; the Spanish milled dollar, at five shillings, equal to four shillings and six pence, sterling money of Great Britain; the Spanish pistareen at one shilling; the French crown, coined before the year one thousand seven hundred and ninety three, at five shillings and six pence; the French piece of four livres, ten sols, Tournois, at four shillings and two pence; the French piece of thirty-six sols, Tournois, at one shilling and eight pence; the French piece of twenty four sols, Tournois, at one shilling and one penny; the American dollar, at five shillings: and all the higher and lower denominations of the said gold and silver coins, shall also pass current, and be deemed a legal tender in payment of all debts and demands whatsoever, in this Province, in the same proportions respectively.

Allowance for excess or deficiency in the standard weight of pieces of gold paid by detail.

II.—[*Repealed by 49th Geo. III. c 8. s 3.*]

Counterfeiting or falsifying such current coins shall be deemed felony,

or knowingly importing such counterfeit & falsified coins.

III. *And be it further enacted by the authority aforesaid,* That any person or persons, who shall colour, gild or case over with gold or silver, or with any wash or materials producing the colour of gold or silver, any Coin of coarse gold, or of coarse silver, or of base metal resembling any such foreign coin, so declared current, and any person or persons, who shall gild over any piece of silver resembling any such foreign coin, so declared current, and any person or persons who shall bring, or cause to be brought into this Province, any forged or counterfeit money, like to the foreign gold or silver coin so declared current, knowing the same to be forged or counterfeit, or any coin of coarse gold, or of coarse silver, or of base metal, coloured, gilded, or cased over with gold or silver, or with any wash or materials producing the colour of gold or silver, and resembling any such foreign coin, or any piece of gilded silver, resembling any such foreign coin, knowing the same, every such person shall for every such offence, be deemed guilty of felony, and upon conviction thereof, in His Majesty's Court of his Bench, shall suffer death, as in cases of felony.

Punishment for uttering or tendering false and counterfeit money knowingly.

A second offence to be deemed felony.

IV. *And be it further enacted by the authority aforesaid,* That if any person whosoever, shall after the passing of this Act, utter, or tender in payment to any person or persons, any false or counterfeit money, counterfeited to any of the gold or silver coins of Great Britain, Portugal, the United States of America, Spain or France, as herein before specified, or to any of the higher or lower denominations thereof, knowing the same to be false or counterfeit, and shall be thereof convicted, such person so offending, shall suffer one year's imprisonment, and shall also be set in and upon the pillory for the space of one hour, in some public and conspicuous place; and if the same person shall afterwards offend a second time, in uttering or tendering in payment any such false or counterfeit money as aforesaid, knowing the same to be so, and shall be convicted of such second offence, he or she shall be, and is hereby adjudged to be guilty of felony without benefit of clergy.

V. *And be it further enacted by the authority aforesaid,* That any person or persons who shall after the passing of this Act, import or bring, or cause to be imported or brought into this Province, any false or counterfeit brass or copper money, in order to sell or pass away the same, knowing the same to be false and counterfeit, every such person shall, for every such offence, besides forfeiting the same, suffer imprisonment at the discretion of the justice or justices, judge or judges of the Court of His Majesty's Bench, or Oyer and Terminer, before whom such person or persons shall be tried and convicted; *Provided always,* That such imprisonment shall not exceed twelve calendar months.

Punishment for importing false or counterfeit brass or copper money to sell or pass away.

VI. *And be it further enacted by the authority aforesaid,* That all such false or counterfeit brass or copper money, may be seized by any person having a warrant from a justice of the peace for that purpose, and shall be broken or defaced in open court, after being found to be false or counterfeit, or in presence of a justice of the peace, and one moiety shall then belong to His Majesty, His Heirs and Successors, to be applied to the public uses of this Province, and the support of the Civil Government thereof, the due application of which shall be accounted for to His Majesty, His Heirs and Successors, through the Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty shall direct; and the other moiety thereof shall belong to the person who shall have seized and prosecuted for the same.

Such brass or copper money to be seized and defaced, and one moiety thereof to belong to His Majesty, and the other to the informer.

VII. *And be it further enacted by the authority aforesaid,* That no person shall be obliged to receive at any one payment more than the sum of one shilling currency of this Province, in copper money.

Tender in copper money limited to 1s. at one payment.

VIII.—[Repealed by 49th Geo. III. c 8. s 1.]

After the first of June, 1797, the gold coins, in payments exceeding 30s. shall be weighed in bulk if either of the parties require it.

IX. *And be it further enacted by the authority aforesaid,* That any person or persons to whom any gold, silver, or copper money shall be tendered in payment, any piece whereof shall by the stamp, impression, colour or weight thereof, afford reason to suspect that the same, or any piece thereof, is false and counterfeit, such person or persons to whom the same is presented, may cut, break or deface every such piece, and if any piece so cut, broken or defaced, shall be found to be false and counterfeit, the person tendering such false and counterfeit money, shall bear the loss thereof; but if the same shall be found to be good and lawful money, the person that cut, broke or defaced the same, shall receive the same at the rate it was coined for.

Suspected pieces of money may be broken cut or defaced.

By whom the loss arising thereby shall be borne.

X. *And if any question shall arise whether any piece so cut, broken, or defaced, be false or counterfeit, it shall be determined by a justice of the peace, who, if he shall have any doubts touching the same, may summon three indifferent persons to give their opinion thereon; whose opinions, or the majority thereof, shall be final.*

Decision of questions arising thereupon.

XI. *And be it further enacted by the authority aforesaid,* That if any false or

Counterfeit gold or silver coin, produced in a court of justice, how disposed of.

or counterfeit gold or silver coin shall be produced in any court of justice in this Province, the judges shall cause the same to be cut in pieces in open court, or in the presence of a Justice of the Peace, and there be delivered to or for the person or persons to whom it belongs.

Repeal of Ordinance, 17th Geo. 3. for regulating the currency.

XII. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the Act or Ordinance made in the seventeenth year of His Majesty's Reign, intituled, "An Ordinance for regulating the currency of the Province," be, and the same is hereby repealed.

C H A P. II.

An Act to amend certain parts of an Act, intituled, "*An Act for the regulation of JURIES*," and a certain other Act, intituled, "*An Act to Establish a SUPERIOR COURT of CIVIL and CRIMINAL JURISDICTION, and to regulate the COURT of APPEAL*."

[3d June, 1796.]

Preamble.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, and before the first day of Trinity term now next ensuing, and before the first day of the respective terms, next preceding the time when the issuing of the Writs of Assize and Nisi Prius, are directed to be issued, according to the form and effect of a certain Act passed in the thirty fourth year of His Majesty's Reign, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," and in every year thereafter ensuing, the Sheriffs of the Eastern, Midland and Western Districts, and each respectively, shall cause a pannel of the names of the jurors, not less than thirty six, nor more than forty eight persons, according to the rules and regulations contained in the said Act, intituled, "An Act for the regulation of Juries," to be transmitted into His Majesty's Court of his Bench, that shall be liable to be summoned for the trial of all causes at the then next-ensuing Assizes, without a Venire Facias for that purpose.

A pannel of jurors for the trial of issues at the assizes, shall be transmitted, at stated periods into the court of King's Bench, by the Sheriffs of the Eastern, Midland and Western Districts respectively, without any venire facias for that purpose.

The Sheriff of the Home District, to return in like manner, on first day of every term.

II. And be it further enacted, That the Sheriff of the Home District, on or before the first day of every term, shall cause a pannel of the names of jurors, not less than thirty six nor more than forty eight, according to the rules and regulations of the said Act, for the regulation of Juries, to be transmitted into His said Majesty's Court of his Bench, of persons that shall be liable to be summoned for the trial of all causes at the sittings during and ensuing each term, without a Venire Facias for that purpose.

C H A P. III.

C H A P. III.

An Act to amend an Act, intituled, "*An Act for regulating the manner of LICENCING PUBLIC HOUSES, and for the more easy convicting of Persons selling SPIRITUOUS LIQUORS without Licence.*"

[3d June, 1796.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, if any person or persons shall keep an Inn or Public House for the purpose of vending Wine, Brandy, Rum, or other Spirituous Liquors; unless he, she or they shall have previously obtained a Licence in manner and form prescribed by an Act passed in the thirty-fourth year of His Majesty's reign, intituled, "An Act for regulating the manner of Licencing Public Houses, and for the more easy convicting of persons selling spirituous Liquors without Licence," such person or persons shall forfeit and pay the sum of Twenty Pounds, to be levied upon his, her or their goods and chattels, upon being convicted on the oath of any one credible witness, of his, her, or their having offended against the said Act, in manner and form as is therein mentioned; a moiety whereof shall be given to the informer, and the other moiety paid into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, for the Public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty, through the Commissioners of His Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person or persons not having obtained a Licence, and kept an Inn or Public House, at any time before, and being desirous of keeping an Inn or Public House, to apply for a Licence at any time during the year, to the Magistrates of the District in which he resides, in General Quarter Sessions assembled, and it shall and may be lawful for the said Magistrates, to enquire into the character and behaviour of the person applying, and if it shall appear to them expedient to increase the number of Inns or Public Houses, and that the party applying is a sober and honest man, the presiding Magistrate shall then and there grant him a Certificate under his hand and seal, which Certificate shall enable the party so holding the same to take out a Licence; and the Secretary of the Province or his agent, upon the production of such Certificate, shall be, and he is hereby authorized and directed to grant a Licence accordingly; the person or persons paying for the same such sum of money as is directed to be paid by all persons receiving a Licence to keep an Inn or Public House in this Province, and entering into a regular recognizance before the Clerk of the Peace, in manner and form as is prescribed by a certain Act, passed in the thirty-fourth year of His Majesty's reign, intituled, "An Act for regulating the manner of Licencing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without Licence," any thing in the said Act or in any former Act to the contrary thereof notwithstanding: (a)

Preamble.

Keepers of Inns, &c.
to be licensed.

(See 24th Geo. III. c. 12, & 43d, c. 9)

Penalty for selling
without licence.

Application thereof

Cases in which Licence to keep an inn may be granted in any general quarter sessions to persons duly qualified.

Manner of granting the same.

(See 43d Geo. III. c. 9.)

(a) Repealed for 8 years, by 59th Geo. III. c. 2, s. 1.

C H A P. IV.

C H A P. IV.

An Act to amend certain parts of an Act, intituled, "*An Act to fix the Times and Places of holding the COURTS of GENERAL QUARTER SESSIONS of the PEACE, within the several Districts of this Province.*"

[3d June, 1796.]

Preamble.

WHEREAS it is expedient to alter the place of holding the Court of General Quarter Sessions of the Peace, in and for the Western District of this Province; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That so much of a certain Act passed in the thirty-third year of His Majesty's Reign, intituled, "*An Act to fix the times and places of holding the Courts of General Quarter Sessions of the Peace within the several Districts of this Province,*" which directs that the Courts of Quarter Sessions of the Peace for the Western District of this Province, shall commence and be holden in the Town of Detroit, on such days and times as are therein mentioned; and that a Special Sessions of the Peace shall commence and be holden yearly and in every year, in the town of Michilimackinac, at a certain time therein mentioned, be and the same are hereby repealed accordingly:

Recital of Act 23d Geo. 3.

The same is part repealed.

Regulations for the times and places of holding in future the courts of quarter sessions for the Western district.

(a) See 41st Geo. III c 6, s 2)

II. *And be it further enacted, That from and after the passing of this Act, the Court of General Quarter Sessions of the Peace for the Western District, shall commence and be holden in the parish of Assumption, in such place as may now be found most convenient to the Magistrates of the said District, or the major part of them, on the second Tuesday in the month of July, on the second Tuesday in the month of October, on the second Tuesday in the month of January, and on the second Tuesday in the month of April, until such time as it shall seem expedient to the Magistrates, or the major part of the Magistrates of the said District, to remove and hold the same nearer to the island, called the Isle of Bois Blanc, being near the entrance of the River Detroit: and when it shall seem expedient to the said Magistrates, or the major part of them, to hold the said General Quarter Sessions nearer to the said island, it shall and may be lawful for them to remove the same, having given due notice of such intended removal, at least three months before the same shall be removed as aforesaid. (a)*

And of holding the district court for the same.

III. *And whereas by a certain other Act passed in the thirty fourth year of His Majesty's Reign, intituled, "An Act to establish a Court for the cognizance of small causes in each and every District of this Province," the District Court in and for the Western District of this Province, is appointed to be holden in the town of Detroit, in the said District, but as it seems not to be any longer expedient to hold the said Court in the town of Detroit aforesaid, Be it enacted, That from and after the passing of this Act, the District Court in and for the said District, shall be holden at and in the same place where the General Quarter Sessions may be holden under and by virtue of the authority of this Act.*

IV. *And be it further enacted by the authority aforesaid*, That the Courts of Quarter Sessions for the Midland District, and the Eastern District, shall hereafter be held on the fourth Tuesday in the month of January, and the fourth Tuesday in the month of April, instead of the second Tuesday in the month of January, and the second Tuesday in the month of April.

Alterations in the terms of holding the sessions in the Eastern and Midland districts.

(See 33d Geo. III. c 6 & 34. c 3.

C H A P. V.

An Act to repeal certain parts of an Act passed in the thirty third year of His Majesty's Reign, intituled, "*An Act to encourage the Destroying of WOLFES and BEARS in different parts of this Province.*"

[*Repeals so much of 33d Geo. III. c 11, as relates to Bears.*]

C H A P. VI.

An Act to Authorize the Lieutenant Governor to Nominate and Appoint certain COMMISSIONERS for the purposes herein mentioned.

[*Expired 1st August, 1798.*]

C H A P. VII

An Act to amend an Act, intituled, "*An Act to authorize and direct the laying and collecting of ASSESSMENTS and RATES in every District within this Province, and to provide for the payment of WAGES to the Members of the House of Assembly.*"

[*Temporary.*]

(*Authorises an entire rate, or any aliquot part thereof to be laid and raised in every District whereof the Magistrates in their next general sessions shall deem necessary for immediate exigencies.*)

STATUTES OF *UPPER-CANADA,*

PASSED IN THE SECOND SESSION OF THE SECOND PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIRST DAY OF JUNE, AND PROROGUED ON THE THIRD
DAY OF JULY, FOLLOWING, IN THE THIRTY-SEVENTH YEAR
OF THE REIGN OF GEORGE III.

THE HONORABLE PETER RUSSELL, ESQUIRE, PRESIDENT.

ANNO DOMINI 1797.

C H A P. I.

An Act for the better securing the Province against the King's ENEMIES.

[*Expired, 9th March, 1804.*]

C H A P. II.

An Act to enable the Inhabitants of the Township of YORK, to assemble for the purpose of
choosing and nominating PARISH and TOWN OFFICERS.

[*Temporary.*]

C H A P. III.

C H A P. III.

An Act for securing the TITLES to LANDS in this Province.

[*Expired.*]

C H A P. IV.

An Act for Regulating the PRACTICE of the COURT of KING'S BENCH.

[3d July, 1797.]

FOR the more easy and convenient Administration of Justice by the Court of King's Bench; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of October next, it shall and may be lawful to and for the Clerk of the Crown and Pleas of this Province to have, and he is hereby required to have in each and every District of the same, and also in the town of Newark, in the County of Lincoln, in the Home District, an Office in which actions in the said Court of King's Bench may be instituted, and the parties plead to issue^(a), in like manner as is now done in the office of the said Clerk, in the District in which the said Court is holden; and that for that purpose the said Clerk be, and he hereby is authorised and required to supply his deputy in each District, and also in the said town of Newark, from time to time, with blank writs of the said Court, properly signed and sealed, which his said deputy is hereby authorised and required to fill up, as occasion may require.

Preamble.

The clerk to keep an office in each district.

^(a) See 38th Geo. III. c. 6 s. 8.

II. And whereas many and great inconveniences have followed from the length of time which by the present practice of the said Court must intervene between the teste and the return of writs; *Be it enacted by the authority aforesaid*, That from and after the day aforesaid, *every Monday in the course of the year, except Easter Monday, and Christmas-day, in case it shall happen on a Monday, shall be a return day for the return of writs issuing out of the said Court of King's Bench* ^(b), and no other day or days whatsoever, be the return day or days for such writs; and that not less than fifteen days shall intervene between the teste and return of any process issuing out of the said Court in any District of this Province.

Every Monday, except, &c. to be return day.

^(b) See 38th Geo. III. c. 6 s. 8. Time between the teste and return.

III. *And be it further enacted by the authority aforesaid*, That from and after the day aforesaid, Hilary term shall begin on the first Monday in the month

Times of holding courts.

month of January, and end on the Saturday of the week ensuing; and that Easter term shall begin on the first Monday of the month of April, and end on the Saturday of the week ensuing; and that Trinity term shall begin on the first Monday of the month of July, and end on the Saturday of the week ensuing; and that Michaelmas term shall begin on the first Monday of the month of November, and end on the Saturday of the week ensuing; and that all Commissions of Assize and Nisi Prius do issue, and also that the sittings for the Home District, be held in the vacations between Hilary and Easter terms, and between Trinity and Michaelmas terms, any law or usage to the contrary notwithstanding.

Original process,
what, &c.

IV: *And be it further enacted by the authority aforesaid, That in cases which do not require Special Bail, the first and original process of the said Court shall be by Writ of Summons, which may be in the following*

FORM:

Form.

UPPER CANADA, } GEORGE the THIRD, by the Grace of GOD, of
DISTRICT, } Great Britain, France and Ireland, King, Defender
To WIT: } of the Faith, and so forth:—

To the Sheriff of the District, GREETING:
WE Command you, that you summon A. B. to appear either in Person or by his Attorney before us, in our Court of our Bench, on the day of now next ensuing, to answer the complaint of C. D. in a plea of (as the case may be) according to the annexed declaration; and herein fail not at your peril. Witness the Honorable E. F. Chief Justice of our said Province, (or one of the Justices of our said Court, as the case may be) this day of in the year of our Reign.

How to be served &
Sec.
(a) See 38th Geo. III.
c 6 s 8.

And that the plaintiff do cause the defendant to be served with the said writ of Summons; and that the sum of five shillings, and no more, be allowed in costs for serving the same, but that there be no allowance whatever for milages. (a)

In suits where defendant is not holden to bail, the ordinary course what.

V. And whereas doubts have arisen with respect to the time when judgment may be signed, for want of the defendant in any action having duly appeared thereto, *Be it therefore enacted by the authority aforesaid, That in all Civil Suits where the defendant shall not be holden to bail, the ordinary course of proceeding shall be by serving, or causing the defendant or defendants personally to be served with a copy of the process and declaration, by some literate person, and if such defendant or defendants shall not appear at the return of the process, or within eight days after such return, in such case it shall and may be lawful for the plaintiff or plaintiffs, upon affidavit being made and filed of the personal service of such process and declaration, which affidavit shall be filed gratis, to enter a common appearance for the defendant or defendants, and to proceed thereon as if such defendant or defendants had entered his, her, or their appearance.*

Defendant, in term pleading dilatory plea plaintiff may set down such plea for argument.

VI. *And be it further enacted by the authority aforesaid, That wherever the defendant in any action shall, in term time, plead any dilatory plea, in case such plea shall be of a matter of law, and not of fact, it shall and may be lawful to and for the plaintiff in the said action, to set down such plea*
for

for argument on the next day on which the said Court shall sit, or on any other day in the term, giving two days notice thereof to the defendant, or his attorney; and in case such plea be filed in the time of vacation, or being filed in term time, the said plaintiff shall neglect so to set down the same for argument as aforesaid, it shall and may be lawful to and for the said plaintiff to apply to any Judge of the said Court to hear and determine the issue joined thereon, in like manner as the same may now be done in open Court; and in case the said Judge shall give judgment for the plaintiff, he the said Judge shall by an order under his hand direct the said plea to be taken off the file, with costs to be taxed by the proper officer: and the said defendant shall within four days from the date of such order plead an issuable plea, and shall rejoin gratis, and shall also be bound to go to trial at such time as he would have been bound to go to trial in case he had pleaded such issuable plea in the first instance, and not such dilatory plea.

If filed in vacation,
&c. or term, &c.

VII. *And be it further enacted by the authority aforesaid,* That from and after the day aforesaid, no writ of enquiry shall issue to the Sheriff in cases where judgment shall have gone by default; but in all such cases the damages shall be ascertained at the same time and in like manner as if the parties had pleaded to issue, and that an entry thereof be made on the roll accordingly.

No writ of enquiry
in cases of judgment by
default.

Damages when and
how ascertained.

VIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, every juror shall be allowed the sum of fifteen pence, instead of the sum of one shilling which is now allowed in each cause in which he shall be sworn as such juror, to be paid to him in like manner as the said sum of one shilling is now paid. (a)

Juror's Fees.

(a) See 34th Geo. III.
c 1, & 41st c 9.)
(See 34th Geo. III.
s 2.)

C H A P. V.

An Act for the further regulation of the MILITIA of this Province.

[Repealed by 48 Geo. III. c 1.]

C H A P. VI.

An Act to extend the Jurisdiction and regulate the Proceedings of the DISTRICT COURT and COURT of REQUESTS.

[3d July, 1797.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority

Preamble.

Form of certificate.

AT a General Quarter Sessions for the District of held at
in the County of on the day of personally appear-
ed the within named A. B. and being openly examined in the presence of
L. M. C. D. E. F. and G. H. (at least four) Esquires, His Majesty's Justices
of the Peace in and for the said District, touching her consent thereto, and
did appear to this Court to give the same freely and voluntarily, without any
coercion on the part of her husband, or any other person. S. M. Chairman.

Clerk's fees.

And the Clerk of the Peace shall be entitled to receive the sum of five
shillings, and no more, for the said certificate.

Certificate to be en-
registered.

III.—[*Repealed by 48th Geo. III. c 7.*]

C H A P. VIII.

An Act to supply the want of Enrolment of DEEDS of BARGAIN and SALE.

[3d July, 1797.]

Preamble.

WHEREAS in certain cases, Lands have been intended to have been
conveyed by Deed of Bargain and Sale ; and whereas such Deeds
of Bargain and Sale not having been enrolled in a Court of Record, are not
valid in law ; in order therefore to prevent the injury that might hence arise
to His Majesty's subjects in this Province, and for the better regulating the
conveyance of Land in future ; Be it enacted by the King's Most Excellent
Majesty, by and with the advice and consent of the Legislative Council
and Assembly of the Province of Upper Canada, constituted and assem-
bled by virtue of and under the authority of an Act passed in the Par-
liament of Great Britain, intituled, " An Act to repeal certain parts of an
Act passed in the fourteenth year of His Majesty's Reign, intituled, ' An Act
for making more effectual provision for the Government of the Province of
Quebec in North America, and to make further provision for the Govern-
ment of the said Province," and by the authority of the same, That where-
ever any Lands have been sold, or shall hereafter be sold under Deed of Bar-
gain and Sale, and such Deed of Bargain and Sale hath been, or shall
hereafter be duly enregistered in the Register Office of the County in which
such Lands are situate, agreeably to the provisions of an Act passed in the
thirty fifth year of His Majesty's Reign, intituled, " An Act for the Public
Registering of Deeds, Conveyances, Wills and other incumbrances which
shall be made, or may affect any Lands, Tenements, or Hereditaments with-
in this Province," the same shall be, and is hereby declared to be a good
and valid conveyance in law.

Deeds of sale to lands
sold or to be sold, that
have been or hereafter
shall be enregistered,
agreeably to the Act of
35th Geo. 3. declared
valid.

(See 25 Geo. III. c 5.)

C H A P. IX.

An Act to enlarge the time between the issuing and the opening of COMMISSIONS of ASSIZE and NISI PRIUS, in and for the HOME DISTRICT, and for altering the time of holding the Sittings for the said District:

[3d July, 1797.]

WHEREAS by the nineteenth clause of a certain Act passed in the thirty fourth year of His Majesty's Reign, intituled, "An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeal," all suits and actions that arise, and are triable within the Home District, are directed to be tried within term time, or within ten days next after the end of every Easter and Trinity term, respectively; and whereas it is expedient to enlarge the times of issuing and opening the respective commissions for the hearing and trying of such suits and actions, and to alter the time of holding the Sittings for the said District; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all commissions of Assize and Nisi Prius shall be issued after the terms of Hilary and Trinity, respectively, and shall be tested on the last day of each of those terms, and the Chief Justice, or any other Judge of the said Court, in his absence, shall, as Judge of Assize and Nisi Prius, issue his precept to the Sheriff of the said District, for the summoning of Jurors for the trying of all such issues as may be joined in the said Court, and arise and be triable in the said District, as by law he is authorised to do, so that the same may be in no instance holden sooner than eight days from the end of Hilary and Trinity terms, respectively.

(See 34 Geo. III. c. 2. s. 19.)

(See 34 Geo. III. c. 2. s. 57, c. 8.)

C H A P. X.

An Act for the Regulation of FERRIES.

[3d July, 1797.]

WHEREAS it is necessary for the convenience of His Majesty's subjects, that Ferries should be put under proper regulations within this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year

Preamble.

Quarter Sessions to
ordain rules and regu-
lations.

and to assess the rates.

Table of regulations
and fees to be posted
up at the ferry.

Penalty for a ferry-
man convicted of a
breach.

Penalty how to be
recovered and dispos-
ed of,
(See 34 Geo. III. c 5.
as to the disposal of
fines)

year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America. and to make further provision for the Government of the said Province,' and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for His Majesty's Justices of the Peace, in and for the several Districts of this Province, in their General Quarter Sessions assembled, and they are hereby authorised and empowered from time to time, to make and ordain such rules and regulations as to them, or to the greater part of them, may appear necessary and proper to be observed and followed at such Ferry or Ferries, by the person or persons attending the same, or having the charge thereof; and also to establish and assess such rates and fees, as the person or persons attending such Ferry or Ferries, shall and may demand and receive for the passage of persons, cattle, carriages, or wares thereat; a list or table of which rules and regulations, rates and fees, shall be set up in some conspicuous place at every such Ferry or Ferries for public inspection; and any person attending, or having charge of a Ferry, who shall be convicted before any one Justice of the Peace, of demanding or receiving any higher or greater rate or fee than such as shall be so established, assessed and allowed, or of any breach of any such rules and regulations so made and ordained as aforesaid, shall for every such offence, forfeit and pay the sum of twenty shillings, to be recovered before any one Justice of the Peace, and levied by distress and sale of the offender's goods and chattels; one half of which penalty shall be paid to the informer or informers, and the other half to the Treasurer of the District wherein the same may arise, to be applied to the public use of the District.

C H A P. XL.

An Act to encrease the REVENUE, and to compel the Accounting more regularly for the same to the Treasurer of the Province.

[3d July, 1797.]

MOST GRACIOUS SOVEREIGN,

Address.

WHEREAS the provisions contained in a certain Act of the Parliament of this Province, passed in the thirty third year of Your Majesty's Reign, intituled, "An Act to establish a further Fund for the payment of the salaries of the officers of the Legislative Council and House of Assembly, and for defraying the contingent expences thereof;" in so far as the same did extend to persons retailing Spirituous Liquors, or Wines, in less quantities than three gallons, but not keeping a House of Public Entertainment, are expired: We Your Majesty's most dutiful and loyal subjects, the Representatives of the people of the Province of Upper Canada, in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada,

Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the fifth day of August, in this present year, and from and after the fifth day of April, in every year ensuing, every Shop-keeper, or other Person whatsoever, who shall sell or vend any Wine, Brandy, Rum or other Spirituous Liquor, in less quantity at any one time than three gallons, shall be possessed of a Licence for that purpose, whether he or she does keep a house of Public entertainment, or does not; which Licence it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government, by or through the Secretary of the Province, or other person or persons whom he shall authorize to issue the same, to grant upon payment of the like rates, duties and fees as by law are now paid by any person Licenced to keep a house of public entertainment, for his or her Licence so to do; such rates and duties to be collected, paid and applied in like manner and form, and to the same uses as by the herein recited Act of the Parliament of this Province is directed; and if any person shall at any time after the time or times respectively herein specified and limited, sell or vend any Wine, Rum, Brandy or other Spirituous Liquor, in less quantity than three gallons, not being possessed as aforesaid, of a Licence for that purpose, and shall be thereof convicted in manner and form set forth by a certain Act of the Parliament of this Province, intituled, "An Act for regulating the manner of Licencing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without Licence," he or she shall forfeit and pay the sum of twenty Pounds; a moiety whereof shall be paid to the informer, and the other moiety shall be paid into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, and towards the support of the Government of this Province, to be accounted for to His Majesty, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

After, &c. and amounting, no person to sell less than three gallons without licence.

Governor to grant licence.

Rates and duties how collected, &c.

Penalty for selling without licence

34th Geo. III. c. 12.

Penalty how to be applied.

II. And whereas unnecessary delay in accounting to the Provincial Treasurer, for the Revenue, may be detrimental to the same, *Be it therefore enacted by the authority aforesaid, That the Secretary of the Province, (a) shall use efficient means of compelling all persons employed by or under him, as his agents or deputies, in receiving and collecting the duties imposed by virtue of this Act, or by virtue of any other Act or Acts of the Parliament of this Province, to transmit to him, from time to time, without delay, all such monies as they shall so receive and collect; and that the said Secretary of the Province, shall pay into the hands of the said Provincial Treasurer, all monies which he shall, from time to time, so receive, or otherwise collect as duties imposed by this Act, or by any other Act or Acts of the Parliament of this Province, within one calendar month after he shall have received or collected the same, any Act, law, or usage to the contrary notwithstanding.*

(a) See 45d Geo. III. c. 9.

Secretary to compel agents to account without delay.

Secretary to account to the treasurer within one month.

(See 34 Geo. III. c. 12.)

C H A P. XII.

An Act to authorize the Lieutenant Governor to nominate and appoint Certain COMMISSIONERS for the purposes therein mentioned.

[3d July, 1797.]

Preamble.

WHEREAS from the local situation of this Province, it appears to be altogether impracticable to carry into effect that part of the Provincial agreement entered into at Montreal, the twenty eighth day of January last, between the Commissioners in behalf of this Province, and the Commissioners of the Province of Lower Canada, which relates to the imposing of duties on articles coming into this Province from the United States of America, and to the taking of measures for enforcing the collection of such duties; and from this circumstance the agreement so entered into as aforesaid may become void and of no effect; and whereas it is expedient that arrangements should take place between this Province and the Province of Lower Canada, respecting the imposing of duties, and allowing of drawbacks on goods passing from one Province into the other, and of and concerning any regulations, provisions, matters and things which might regard the Commerce, Manufactures or Produce of the said Province, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering His Majesty's Government in this Province, from time to time by letters patent, under the Great Seal of the Province, to commission, authorise and empower, three able and discreet persons, two of whom shall be a quorum, to treat, consult, and agree with the persons to be duly authorised for that purpose by a power to be granted by an Act of the Legislature of His Majesty's Province of Lower Canada, of and concerning the establishing such regulations as may regard the collection of duties, or payment of drawbacks, to be imposed or allowed on goods passing from one Province into the other, by the Legislature of each Province respectively; and of and concerning any proportions to be received and paid of any equal duties already imposed, or hereafter to be imposed, by the said Legislatures respectively, on any article or commodity passing from one Province into the other; and of and concerning any regulations, provisions, matters, and things which may regard the Commerce, Manufactures, or Produce of the said Province.

Governor to appoint three commissioners.

Their agreement invalid until confirmed by the Legislature.

(58th Geo. III. c 13.)

II. Provided always, and be it enacted and declared, That no regulation, provision, matter or thing so proposed, treated, consulted, or agreed shall have any other force or effect, or be carried any further into execution, until the same shall have been confirmed by the Legislature of this Province.

C H A P. XIII.

An Act for the better Regulating the PRACTICE of the LAW.

[3d July, 1797.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the persons now admitted to Practice in the Law, and practising at the Bar of any of His Majesty's Courts of this Province, to form themselves into a Society, to be called the Law Society of Upper-Canada, as well for the establishing of order amongst themselves as for the purpose of securing to the Province and the profession a learned and honorable body, to assist their fellow subjects as occasion may require, and to support and maintain the constitution of the said Province.

Preamble.

Present practitioners
incorporated into a law
society.

II. *And be it further enacted by the authority aforesaid,* That the said Society shall, and is hereby authorized to form a body of rules and regulations for its own government, under the inspection of the Judges of the Province for the time being, as visitors of the said Society, and to appoint the six senior members, or more, of the present Practitioners, and the six senior members or more, for the time being, in all times to come (whereof His Majesty's Attorney General, and Solicitor General, for the time being, shall be, and be considered to be two) as Governors or Benchers of the said Society, and also to appoint a Librarian and a Treasurer.

The Society to form
rules

III. *And be it further enacted,* That it shall and may be lawful for the said Practitioners, or as many as can be called together, (whereof His Majesty's Attorney General and Solicitor General shall be two) to assemble at the town of Newark, in the county of Lincoln, on the seventeenth day of July next ensuing the passing of this Act, for the purpose of framing and adopting such rules and regulations as may be necessary for the immediate establishment of the said Society and its future welfare; and such rules and regulations as shall then and there be adopted, shall be openly read and entered in a Book to be for that purpose provided, and having received the approbation of the said Judges as visitors as aforesaid, shall be, and be considered to be the constitution of the said Society, and binding upon all its members. *Provided always,* That it shall and may be lawful in time to come, to add such other rules and regulations, with the approbation of the Judges as aforesaid, as may then and there be necessary.

Place and time for
the first meeting for a-
dopting rules.

IV. *And be it further enacted,* That it shall and may be lawful to and for every person now practising at the Bar of any of His Majesty's Courts, to take one (a) pupil or Clerk for the purpose of instructing him in the knowledge of the Laws, any Law or Ordinance to the contrary notwithstanding.

Present practitioners
may take one pupil.

(a) See 47 Geo. III. c 5.

IV.

None but members
of the society to prac-
tise, except, &c.

V. *And be it further enacted*, That no person other than the present Practitioners, and those hereafter mentioned, shall be permitted to practise at the Bar of any of His Majesty's Courts in this Province, unless such person shall have been previously entered of, and admitted into the said Society as a Student of the Laws, and shall have been standing in the Books of the said Society, for and during the space of five years, and shall have conformed himself to the rules and regulations of the said Society, and shall have been duly called, and admitted to the Practice of the Law as a Barrister, according to the constitutions and establishment thereof. *Provided always*, That it shall and may be lawful for any person having been duly admitted to Practice at the Bar of any of His Majesty's Courts in England, Scotland, or Ireland, or of any of His Majesty's Provinces in North America, on producing sufficient evidence thereof, and also on producing testimonials of good character and conduct to the satisfaction of the Judges of the King's Bench, to be admitted to Practice in this Province, so as such person shall within one month from such admission, enter himself of the said Society, and conform to all the rules and regulations thereof, *Provided also*, That nothing herein before contained shall affect, or be construed to affect any person who shall, or may have been articled as a Clerk before the passing of this Act, with any person Practising at the Bar in any of the Courts of this Province, authorised to take a Clerk or Clerks, and duly acting as a Clerk accordingly; but the time which such person shall have spent as such Clerk, shall be considered and taken to be, pro tanto, as a standing in the Books of the said Society, and as a reasonable and lawful deduction of so much of the said term of five years, so that such person shall likewise conform to the rules and regulations of the said Society, in all matters and things thereunto appertaining.

Provision in favor of
clerks articled before
the passing of this Act.

Further provision.

VI. *And be it further enacted by the authority aforesaid*, That nothing in this Act contained, shall prevent any person, who hath been regularly articled with any person in this Province, duly authorised to take a Clerk, and shall have been standing in the Books of the Society aforesaid, for and during the space of three years, from acting merely as an Attorney or Solicitor in any of His Majesty's Courts of Law or Equity in this Province.

No person but of full
age admitted to prac-
tise.

VII. *Provided nevertheless, and be it further enacted*, That no person shall be admitted to practice in this Province, who shall not at the time of such admission have attained the full age of twenty one years.

Ordinance of Quebec
repealed.

VIII. *And be it further enacted by the authority aforesaid*, That a certain Ordinance of the Province of Quebec, passed in the twenty fifth year of His Majesty's Reign, intituled, "An Ordinance concerning Advocates, Attornies, Solicitors, and Notaries, and for the more easy collection of His Majesty's Revenues," as far as it may relate to Barristers, Advocates, Attornies or Solicitors, be, and the same is hereby repealed.

C H A P. XIV.

An Act to obviate the Objections that might arise from a CLERICAL ERROR in some of His Majesty's LETTERS PATENT of GRANT lately issued.

[3d July, 1797.]

WHEREAS it appears that a Clerical Error hath crept into a few of the Deeds given by our Sovereign Lord the King to some of His Subjects, by the insertion of the word "Clergyman" instead of the word "Clergy" in that part of the Letters Patent that reserves a proportion of one seventh of the Crown Lands, for the Lands in each of the Deeds granted, which Error might lead to consequences that it is necessary to obviate; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," and by the authority of the same, That wherever the word "Clergyman" shall or may occur in any one of His Majesty's Letters Patent, the same shall be read, taken and understood to be, mean and signify "Clergy" and shall have to all intents and purposes the same force and effect, tendency and operation towards establishing, securing and confirming the rights of the Protestant Clergy of this Province, in such a quantity of the Lands of the Crown as shall and may amount to, and be in the proportion of one to seven of the lands in any such Deed granted, according to the form and effect of an Act passed in the Parliament of Great Britain, in the thirty-first year of His Majesty's Reign, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,' and that every such Deed shall be to all intents and purposes as valid and effectual in securing to the subject the lands thereby granted; and to His Majesty all the rights, conditions, reservations, limitations and restrictions, and to the said Clergy the rights aforesaid, as if no such Clerical Error had crept into it, but as if such Deed had been perfected in the word "Clergy," where the rights of the Church are intended to be secured, instead of the word "Clergyman" wherever it occurs; any Act, Ordinance or Law to the contrary in any wise notwithstanding.

Preamble.

[The word clergy shall be intended to be meant by the word clergyman in certain deeds of grant]

Such deeds to be valid in securing the rights of the crown, of the clergy, and of the subject respectively.

C H A P. XV.

An Act to authorize the APPREHENDING of FELONS, and others, Escaping from any of His Majesty's Provinces and Governments in North America, into this Province.

[3d July, 1797.]

Preamble.

Warrants issuing within His Majesty's other governments in North America against felons escaping therefrom may be executed within this Province, being duly endorsed.

WHEREAS it may happen that Felons, and other malefactors, having committed crimes in some of His Majesty's Provinces and Governments in North America, may escape into this Province, and their offences thereby remain unpunished, for want of provision by Law for apprehending such offenders in this Province, and transmitting them into the Province in which their offences were committed; for remedy thereof, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, if any person or persons against whom a warrant shall be issued by the Chief Justice of the King's Bench, or any other Magistrate having competent authority in any of His Majesty's Provinces or Governments in North America, respectively, for any felony or other crime of a high nature, shall escape, come into, reside, or be in any part of this Province, it shall and may be lawful for any Justice of the Peace of the District, County, City or Place where such person or persons shall escape, come into, reside or be, to indorse his name on the said warrant (due proof being first made of the hand writing of the Magistrate issuing the same) which warrant so indorsed shall be a sufficient authority to all persons to whom such warrant was originally directed, and also to all Constables of the District, County, City or Place where such warrant shall be so indorsed, to execute the same, by apprehending the person or persons against whom such warrant is granted, and to convey him, her or them into the Province from which such warrant originally was issued, to be dealt with according to law.

Security being previously given to indemnify the Province against any expence, & to bring the offender to trial.

II. Provided nevertheless, and be it further enacted by the authority aforesaid, That before any such warrant shall be so indorsed as aforesaid, the person applying for such indorsement shall enter into a recognizance with sufficient sureties for a sum not less than fifty pounds, lawful money of this Province, to indemnify this Province, and every part thereof, against any expence that may arise or accrue from the apprehension of such offender, and also to bring or cause the said offender to be brought to trial; and the Magistrate to whom such application shall be made is hereby authorized to take such recognizance.

C H A P. XVI.

An Act for making temporary provision for the REGULATION of TRADE between this PROVINCE and the UNITED STATES of AMERICA, by Land or by Inland Navigation.

[*Expired, 1st June, 1799.*]

C H A P. XVII.

An Act for the better DIVISION of the COUNTY of PRINCE EDWARD into Townships.

[*3d July, 1797.*]

WHEREAS the inhabitants of the Townships of Marysburg and Sophiasburg, in the County of Prince Edward, experience many difficulties from the uncommon length of the said Townships; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That a Township shall be struck off from the southernmost parts of the Townships of Marysburg and Sophiasburg, in form following:—To commence in Marysburg in the limit between the lots numbers eleven and twelve, south side of the Bay of Quinty, to the eastward of a small bay which leads to the Carrying Place, to the East Lake; then along the said limit, south ten degrees west, the depth of three concessions, more or less, until it intersects the limit between lots numbers twelve and thirteen in the second concession, north of Black River; and then along the limit between the said lots numbers twelve and thirteen, south thirty-two degrees east, to the rear of the first concession from Black River; then south fifty-eight degrees west along the line between the first and second concessions, passing lot number thirty-two to a small creek which empties itself into the East Lake; then south thirty-two degrees east to Lake Ontario; then westerly along the shore of the said Lake to the mouth of the West Lake; thence by the nearest line to the limit between lot number one in Ameliasburg, and lot number one in Sophiasburg; then north twenty degrees west, the depth of two concessions; then north seventy degrees east to the north east angle of lot number sixteen in the second concession, nearly; then north fifty-eight and one half degrees east to the north east angle of a lot, numbered thirty-nine, in the third concession; then south thirty one and one half degrees east to the rear of the second concession; then a small distance by the most direct line to the northernmost angle of lot number ten in

Preamble.

The southernmost parts of Marysburg and Sophiasburg to be formed into a distinct township.

Boundary lines thereof.

in the second concession ; then along the limit between the lots numbers ten and eleven south sixty one degrees east to the small bay first mentioned, then following the shores of the said bay and the Bay of Quinty, according to its different windings and courses to the place of beginning, which township shall be under the same regulations and entitled to the same privileges as any other township in this Province.

Regulations and privileges.

By whom the name of such township shall be declared.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Lieutenant Governor, or Person Administering the Government of this Province, on or before the first day of August next, by a Proclamation to declare the name of such township.

Such alteration in no wise to affect any existing commission legal proceeding, or grant of land.

III. *Provided always, and it is hereby further enacted*, That such alteration of the said Townships shall not impeach, or be construed to impeach the legality of any existing commission granted for the exercise of any authority or jurisdiction within the said townships, or any of them, or to make void or otherwise affect any grant of land, or other legal proceeding within the limits of the said townships, any law or usage to the contrary notwithstanding.

STATUTES

OF

UPPER-CANADA,

PASSED IN THE *THIRD* SESSION OF THE *SECOND* PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIFTH DAY OF JUNE, AND PROROGUED ON THE FIFTH
DAY OF JULY, FOLLOWING, IN THE THIRTY-EIGHTH YEAR
OF THE REIGN OF GEORGE III.

THE HONORABLE PETER RUSSELL, Esquire, PRESIDENT

ANNO DOMINI 1798.

C H A P. I.

An Act to ascertain and establish on a permanent footing, the **BOUNDARY LINES** of the different **TOWNSHIPS** of this Province.

[*5th July, 1797.*]

WHEREAS it is expedient and necessary, to ascertain and establish upon some permanent principle, the Boundary Lines of the different Townships within this Province, and distinctly to preserve them when so ascertained and established, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That stone monuments, or monuments of other durable materials, shall be placed at the several corners, governing points, or off-sets of every Township that hath been surveyed, or may hereafter be surveyed; and also, at each end of the

Recital.

Monuments to be placed at the corners, &c. of each township and concession.

Lines therefrom to be the permanent boundary lines of such township and concession.

several concession lines of such Townships ; And that lines from the monuments so erected, or to be erected, be taken and considered as the permanent Boundary Lines of such Townships and Concessions respectively.

To be under the inspection and order of the Surveyor General.

II. *And be it further enacted by the authority aforesaid,* That the monuments above directed to be placed as aforementioned, shall be placed under the inspection and order of the Surveyor General of this Province.

Effect of such boundary lines.

III. *And be it further enacted by the authority aforesaid,* That the courses and distances of the said Boundary Lines so ascertained and established, shall on all occasions be, and be taken to be, the true courses and distances of the Boundary Lines of the said Townships and Concessions, whether the same do, or do not, on actual measurement, coincide with the courses and distances in any letters patent of grant, or other instrument in respect of such Boundary Lines mentioned and expressed.

Capital felony knowingly or wilfully to pull down, &c. such monuments.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall knowingly and wilfully pull down, deface, alter, or remove any such monument so erected as aforesaid, he, she, or they, shall be adjudged guilty of felony, and shall suffer death without benefit of clergy.

How the Surveyor General shall proceed.

V. *And be it further enacted by the authority aforesaid,* That it shall not be necessary for the Surveyor General to proceed to carry the provisions of this Act into execution, until an application for that purpose shall have been made to the Governor, Lieutenant Governor or Person administering the Government, by the Magistrates of any District or County, not being part of a District, in Quarter Sessions assembled, signifying that the erecting of such monuments, and ascertaining such boundaries as aforesaid, is necessary and expedient, for some particular Township or Townships, within such District or County.

Application to be made to the Justices.

VI. *And be it further enacted by the authority aforesaid,* That when, and so often, as application shall be made to the Justices of the Peace, in and for any District, in Quarter Sessions assembled, by thirty free-holders of any Township within such District, to have monuments erected conformably to the intention of this Act, it shall and may be lawful for the said Justices, and they are hereby authorised and required to form an estimate of the sum of money which, in their judgment and discretion, shall seem requisite to defray the charges of erecting such monument, and to lay an equal assessment (proportionable thereto) upon each and every acre of land within such Township ; which assessment they shall cause to be raised and collected by a warrant under the hands and seals of any two or more of them, directed to the Collectors of such Township, and requiring them to raise and collect the said assessment, in such manner and by such means as in other such cases by law directed and required, and to pay the same when so collected, into the hands of the Treasurer of the District, to answer the charges to be incurred by erecting such monuments.

Expence how defrayed.

Provision with respect to persons liable, who are not resident in the Township.

VII. *And be it further enacted by the authority aforesaid,* That when any person liable to pay his proportion and rate of such assessment, shall be absent from the Township, and shall not have taken means to answer the same

to the said Collector within one year, from and after the date of the warrant for collecting the same, the land of such absentee shall be held liable and answerable for the payment of such rate, with the lawful interest arising thereon ; and when the same shall amount to twenty shillings, or upwards, upon each lot of one hundred acres of land, and so in proportion, for any number of acres, more or less, it shall and may be lawful for the Treasurer of the District in which such lands shall lie and be situate, and he is hereby required to give notice of the same for six months in the Upper Canada Gazette, and if after the expiration of that time, the same shall not be paid, it shall and may be lawful for him to sell so much thereof, after publicly advertising the same, as may be necessary to satisfy the said arrears, and the necessary expences incurred by the proceedings, and to receive the monies arising from such sale, to and for the use of the Township.

(See 59th Geo. III.
c. 14.)

C H A P. II.

An Act to repeal an Ordinance passed in the twenty-fifth year of the Reign of His present Majesty, intituled, "*An Ordinance concerning ADVOCATES, ATTORNIES, SOLICITORS and NOTARIES, and for the more easy Collection of His Majesty's REVENUES, as far as the same relates to Notaries.*"

[5th July, 1798.]

WHEREAS the provisions of an Ordinance passed in the twenty-fifth year of the reign of His present Majesty, intituled, "An Ordinance Concerning Advocates, Attornies, Solicitors and Notaries, and for the more easy collection of His Majesty's Revenues," have been so far as the same relates to Notaries, found inconvenient and inapplicable to this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the same shall be, and hereby is, so far as it relates to Notaries, repealed.

Ordinances so far as
relates to Notaries re-
pealed.

C H A P. III.

An Act to repeal part of an Act passed in the thirty-seventh year of the Reign of His Majesty, intituled, "*An Act to extend the Jurisdiction and regulate the Proceedings of the DISTRICT COURT and COURT of REQUESTS,*" and to make further provision for the same.

(See 37 Geo. III. c. 3.)

[5th July, 1798.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of

of

Act taking away mileage for serving process out of District Court repealed.

of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of an Act passed in the thirty-seventh year of the Reign of His Majesty, intituled, "An Act to extend the Jurisdiction and regulate the Proceedings of the District Court, and Court of Requests," as enacts that no mileage be allowed for the service of the declaration or summons in the District Court, or Court of Requests, be repealed.

Fees.

(See 34 Geo. III. c 3.
§ 51 c 6.)

II And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Clerk of the said District Court, to demand and receive the sum of two shillings and six pence, for each subpoena, and the sum of five shillings for each writ of execution.

The four following Acts passed the Legislative Council and House of Assembly in the thirty-eighth year of George the Third, but the Royal Assent was reserved for the signification of His Majesty's pleasure.

C H A P. IV.

(See 33 Geo. III. c 5.
§ 50, c 15.)

An Act to extend the provisions of an Act passed in the Second Session of the First Provincial Parliament of Upper Canada, intituled, "*An Act to confirm and make valid CERTAIN MARRIAGES, heretofore contracted in the Country now comprised within the Province of Upper Canada, and to provide for the future SOLEMNIZATION of MARRIAGE within the same.*"

[The Royal Assent to this Act, was promulgated by Proclamation, bearing date the twenty ninth day of December, in the year of our Lord One thousand seven hundred and ninety eight, and thirty ninth of His Majesty's Reign.]

Preamble.

WHEREAS it hath been found expedient to extend the provisions of a certain Act passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to confirm and make valid Certain Marriages heretofore contracted in the Country now comprised within the Province of Upper Canada, and to provide for the future Solemnization of Marriage within the same," Be it therefore enacted by the King's Most Excellent Majesty. by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act

Act

Act, it shall and may be lawful to, and for the Minister or Clergyman of any congregation or religious community of persons, professing to be members of the Church of Scotland, or Lutherans, or Calvinists, who shall be authorised in manner hereafter directed, to celebrate the ceremony of Matrimony, according to the rights of such Church or religious community, between any two persons, neither of whom are under any legal disqualification to contract matrimony, and one of whom shall have been a member of such congregation or religious community, at least six months before the said Marriage, any law or usage to the contrary notwithstanding.

Minister of Church of Scotland, &c. authorised to celebrate marriage.

II. *Provided nevertheless, and be it enacted by the authority aforesaid, That* no person shall be taken, or deemed to be a Minister or Clergyman of any such congregation or religious community, within the intent and meaning of this Act, who shall not have been regularly ordained, constituted, or appointed, according to the rites and forms of such congregation or religious community, and unless he shall have appeared, or come before the Justices of the Peace assembled in Quarter Sessions, in the District in which he shall reside, when not less than six Magistrates, besides the chairman, shall be present, and shall have then with him at least seven respectable persons, members of the congregation or religious community to which he belongs, who shall declare him to be their Minister or Clergyman; and unless he shall produce proofs of his ordination, constitution, or appointment to that office, and unless he shall then and there take the Oath of Allegiance to His Majesty; when, if it shall appear to the majority of the Justices then present, expedient and proper, they are hereby authorised to grant him a certificate under the Seal of the Court, and signed by the Chairman and Clerk of the Peace, (for which the said Clerk of the Peace shall be entitled to demand and receive the sum of five shillings) certifying him to be the settled Minister or Clergyman of such congregation or religious community; which certificate shall be in the following form:

Minister or Clergyman must have been ordained, and appear before six Magistrates in Quarter Session assembled, and take the Oath of Allegiance.

Fee to the clerk.

BE IT REMEMBERED, that at the General Quarter Sessions of the Peace, holden at the Town of _____ in the County of _____ in and for the District, on the _____ day of _____ in the year of Our Lord before A. B. (and six others) Esquires, and others, Justices of our Sovereign Lord the King, assigned to keep the Peace in the said District, &c. came C. D. of _____ together with E. F. of _____ (and six others, whose names and descriptions must be inserted) members of a (Congregation) or (Community) of _____ at _____ in the County of _____ in the said District. And the said E. F. &c. being duly examined, satisfied the Court that the said C. D. is the settled (Minister) or (Clergyman) of the said (Congregation) or (Community) and was regularly ordained, constituted, and appointed thereto.

J. K. Clerk of the Peace. G. H. Chairman.

Form of certificate.

III. *Provided nevertheless, That* no such certificate shall be given by the said Court of Quarter Sessions as aforesaid, unless the person applying for the same shall have given notice in writing, to the Clerk of the Peace, at, or before the General Quarter Sessions immediately preceding that on which he shall apply for such certificate; which notice in writing, the said Clerk of the Peace shall read in open Court, and shall also fix up in some conspicuous part

No certificate to be given unless notice shall have been given. &c.

part of his office, within eight days after the same shall have been so read : for which service he, the said Clerk of the Peace, shall be entitled to demand and receive the sum of five shillings and no more.

No clergyman to celebrate matrimony unless, &c.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That no such Minister or Clergyman shall, at any time, celebrate the ceremony of Matrimony between any two persons as above described, unless he shall on three several Sundays before he shall celebrate the said ceremony, openly, and with a loud voice in the Church, Chapel, Meeting House, or other place of worship of such congregation or religious community, either in some intermediate part of the service, or immediately before it begins, or immediately after it is ended, declare his intention so to do ; and shall at each time of making such declaration, also declare the number of times for which he shall have made such declaration respectively ; or unless such Minister or Clergyman, shall have been duly authorised by licence, under the hand and seal of the Governor, Lieutenant Governor or Person administering the Government of the Province, to celebrate the said ceremony between the two persons therein named.

Parties may demand certificate.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for the parties thus married, or either of them, to demand of the said Minister or Clergyman, and he is hereby authorised and required to give the same a certificate of such marriage, which may be in the following form, viz :

Form thereof.

WHEREAS A. B. of and C. D. of were desirous of intermarrying with each other, and have applied to me for that purpose, their intention so to do having been regularly proclaimed on three several Sundays, as is directed, or having presented a licence, (as the case may be.) Now these are to certify, that I, E. F. Minister of the community of at have this day married the said A. B. and C. D. together, and they are become legally contracted to each other. As witness my hand at this day of in the year of Our Lord In presence of G. H. J. K.

Certificate to be registered.

Which certificate shall, and may be registered by the Clerk of the Peace, in like manner as is directed in the aforesaid Act, passed in the thirty-third year of His Majesty's Reign, intituled, " An Act to confirm and make valid Certain Marriages heretofore contracted in the Country now comprized within the Province of Upper Canada, and to provide for the future solemnization of Marriage within the same."

All marriages celebrated since the passing 33d Geo. 3d, by such person as, &c. valid.

VI. *And be it further enacted by the authority aforesaid,* That all Marriages which may have been celebrated since the passing of the said Act of the thirty-third year of His Majesty's Reign, by any person who shall obtain such certificate as aforesaid, between any two persons, either of whom now is, or then was, a member of any of the said congregations or communities above named, shall be deemed good and valid, any law to the contrary notwithstanding.

C H A P. V.

An Act for the better DIVISION of this Province.

[The Royal Assent to this Act was promulgated by Proclamation, bearing date January first, in the year of Our Lord One thousand eight hundred, and fortieth of His Majesty's Reign.]

FOR the better Division of this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," and by the authority of the same, That the Townships of *Lancaster* (a), *Charlottenburg* and *Kennyon*, together with the tract of land claimed by the St. Regis' Indians, and such of the Islands in the *River Saint Lawrence* as are wholly, or in greater part opposite thereto, shall constitute and form the County of *Glengary*.

Preamble.

(a) See 59th Geo. III. c. 3.)

County of Glengary.

II. And be it further enacted by the authority aforesaid, That the Townships of *Cornwall*, *Osnaburg*, *Finch* and *Roxburg*, together with such of the Islands in the *River Saint Lawrence* as are wholly, or in greater part opposite thereto, shall constitute and form the County of *Stormont*.

County of Stormont.

III. And be it further enacted by the authority aforesaid. That the Townships of *Williamsburg*, *Matilda*, *Mountain* and *Winchester*, with such of the Islands in the *River St. Lawrence* as are wholly, or in greater part opposite thereto, do together, constitute and form the County of *Dundas*.

County of Dundas

IV. And be it further enacted by the authority aforesaid, That the Townships of *Hawkesbury*, *Longueuil*, with the tract of land in its rear, *Alfred* and *Plantagenet*, with such of the Islands in the *Ottawa River* as are wholly, or in greater part opposite thereto, shall constitute and form the County of *Prescott*.

County of Prescott.

V. And be it further enacted by the authority aforesaid, That the Townships of *Clarence*, *Cumberland*, *Gloucester*, *Osgoode*, *Russell* and *Cambridge*, with such of the Islands in the *River Ottawa* as are wholly, or in greater part opposite thereto, shall constitute and form the County of *Russell*.

County of Russell.

VI. And be it further enacted by the authority aforesaid, That the Counties of *Glengary*, *Stormont*, *Dundas*, *Prescott* and *Russell* (a), do constitute and form the *Eastern District*.

Eastern District.

(a) See 58th Geo. III. c. 2 s. 1.

VII. And be it further enacted by the authority aforesaid, That the Townships of *Edwardsburg*, *Augusta*, *Wolford*, *Oxford* on the *Rideau*, *Marlborough*, *Montague* and *Gowier*, called *North* and *South Gowier*, together with such of the Islands in the *River Saint Lawrence* as are wholly, or in greater part opposite thereto, shall constitute and form the County of *Grenville*.

County of Grenville.

County of Leeds.

VIII. *And be it further enacted by the authority aforesaid, That the Townships of Elizabeth-Town, Yonge, (including what was formerly called Escot) Lansdown, Leeds, Crosby, Bastard, Burgess, Elmsley, and Kitley, together with such of the Islands in the River Saint Lawrence as are wholly, or in greater part opposite thereto, do constitute and form the County of Leeds.*

County of Carleton.

IX. *And be it further enacted by the authority aforesaid, That the Township of Nepean, with the tract of land to be hereafter laid out into Townships, between Nepean, and a line drawn north sixteen degrees west, from the north west angle of the Township of Crosby, until it intersects the Ottawa River, with such of the Islands in the said River as are wholly, or in greater part opposite thereto, shall constitute and form the County of Carleton.*

District of Johnstown.

X. *And be it further enacted, by the authority aforesaid, That the Counties of Grenville, Leeds and Carleton, do constitute and form the District of Johnstown.*

Township of Pittsburg.

XI. *And be it further enacted by the authority aforesaid, That Howe Island, and so much of the present County of Ontario as is wholly, or in greater part opposite to the Township of Pittsburg, be part of the said Township of Pittsburg.*

Township of Wolfe Island.

XII. *And be it further enacted by the authority aforesaid, That Wolfe Island and Gage Island, and so much of the said County of Ontario as is wholly, or in greater part opposite to the Township of Kingston, do constitute and form the Township of Wolfe Island.*

Township of Amherst Island.

XIII. *And be it further enacted by the authority aforesaid, That the residue of the said County of Ontario, do constitute and form the Township of Amherst Island.*

County of Frontenac.

XIV. *And be it further enacted by the authority aforesaid, That the Townships of Pittsburg, Kingston, Loughborough, Portland, Hinchinbroke, Bedford and Wolfe Island, do constitute and form the County of Frontenac.*

Incorporated Counties of Lenox and Addington.

XV. *And be it further enacted by the authority aforesaid, That the Townships of Ernest-Town, Fredericksburg, Adolphustown, Richmond, Camden, (distinguished by being called Camden East,) Amherst Island, and Sheffield, do constitute and form the incorporated Counties of Lenox and Addington.*

County of Hastings.

XVI. *And be it further enacted by the authority aforesaid, That the Townships of Sydney, Thurlow, the tract of Land occupied by the Mohawks, Hungerford, Huntington and Rawdon, do constitute and form the County of Hastings.*

County of Prince Edward.

XVII. *And be it further enacted by the authority aforesaid, That the Townships of Ameliasburg, Hallowell, Sophiasburg, and Marysburg, with such of the Islands in the Bay of Quinty and Lake Ontario, as are wholly, or in greater part opposite thereto, and such as were not formerly included in the County of Ontario, do constitute and form the County of Prince Edward.*

XVIII.

XVIII. *And be it further enacted by the authority aforesaid,* That the Counties of Frontenac, the incorporated Counties of Lenox and Addington, Hastings, and Prince Edward, with all that tract of country which lies between the District of Johnstown and a line drawn north, sixteen degrees west from the north-west angle of the Township of Rawdon, till it intersects the northern limits of the Province, together with all the Islands in the Ottawa River wholly, or in greater part opposite thereto, do constitute and form the Midland District.

Midland District.

XIX. *And be it further enacted by the authority aforesaid,* That the Townships of Murray, Cramahe, Haldimand, Hamilton, Elnwick, Percy, and Seymour, with the peninsula of Newcastle, do constitute and form the County of Northumberland.

County of Northumberland.

XX. *And be it further enacted by the authority aforesaid,* That the Townships of Hope, Clarke, and Darlington, with all the tract of land hereafter to be laid out into Townships, which lies to the southward of the small Lakes above the Rice Lake, and the communication between them and between the eastern boundary of the Township of Hope, and the western boundary of the Township of Darlington, produced north sixteen degrees west, until they intersect either of the said Lakes, or the communication between them, shall constitute and form the County of Durham.

County of Durham.

XXI. *And be it further enacted by the authority aforesaid,* That the Townships of Whitby, Pickering, Scarborough, York, including its peninsula, Etobicoke, Markham, Vaughan, King, Whitechurch, Uxbridge, Gwillimbury, and the tract of land hereafter to be laid out into Townships, lying between the Counties of Durham and the Lake Simcoe, do constitute and form the East Riding of the County of York.

East Riding of the county of York.

XXII. *And be it further enacted by the authority aforesaid,* That the Townships of Beverly and Flamborough, the latter divided into Flamborough East and West, so much of the tract of land upon the Grand River in the occupation of the Six Nation Indians, as lies to the northward of Dundas street, and all the land between the said tract and the East Riding of the County of York, with the reserved lands in the rear of the Townships of Blenheim and Blanford, do constitute and form the West Riding of the County of York.

West Riding of the county of York.

XXIII. *And be it further enacted by the authority aforesaid,* That Matchedash, Gloucester, or Penetanguishine, together with Prince William Henry's Island, and all the land lying between the Midland District and a line produced due north from a certain fixed boundary (at the distance of about fifty miles north-west from the outlet of Burlington Bay) till it intersects the northern limits of the Province, do constitute and form the County of Simcoe.

County of Simcoe.

XXIV. *And be it further enacted by the authority aforesaid,* That the Counties of Northumberland, Durham, York, and Simcoe, do constitute and form the Home District.

Home District.

District of Newcastle, to be eventually declared by Proclamation.

(See 42 Geo. III. c 2.)

XXV. *Provided always, and it is hereby further enacted,* That when, and so soon as the said Counties of Northumberland and Durham shall make it satisfactorily appear to the Governor, Lieutenant Governor, or Person administering the Government of this Province, that there are one thousand souls within the said Counties, and that six of the Townships therein do hold town-meetings according to law, then the said Counties, with all the land in their rear, confined between their extreme boundaries, produced north, sixteen degrees west, until they intersect the northern limits of the Province, shall, and are hereby declared to be a separate District, to be called the District of Newcastle. And the Governor, Lieutenant Governor, or Person administering the Government of the Province, is hereby authorised, upon such proof as aforesaid, to declare the same by Proclamation, any time, within one year after the same shall be so established, as to him shall seem most fit.

Part of the township of Glandford added to the township of Binbrook.

XXVI. *And be it further enacted by the authority aforesaid,* That so much of the Township of Glandford as is now comprehended between the southern boundary of the Township of Binbrook, and the boundary of the Six Nation Indians land, be added to the said Township of Binbrook, and become part thereof.

First Riding of the County of Lincoln.

XXVII. *And be it further enacted by the authority aforesaid,* That the Townships of Clinton, Grimsby, Saltfleet, Barton, Ancaster, Glandford, Binbrook, Gainsborough, and Caistor, do constitute and form the First Riding of the County of Lincoln.

Second Riding of the County of Lincoln.—The town and township of Newark therein, to be called the town and township of Niagara.

XXVIII. *And be it further enacted by the authority aforesaid,* That the Townships of Newark, Grantham and Louth, do constitute and form the Second Riding of the County of Lincoln; *Provided always,* That the Town and Township of Newark, now generally called West Niagara, be henceforth declared and called the Town and Township of Niagara respectively.

Third Riding of the County of Lincoln.

XXIX. *And be it further enacted by the authority aforesaid,* That the Townships of Stamford, Thorold and Pelham, do constitute and form the Third Riding of the County of Lincoln.

Fourth Riding of the County of Lincoln.

XXX. *And be it further enacted, by the authority aforesaid,* That the Townships of Bertie, Willoughby, Crowland, Humberstone, and Wainfleet, do constitute and form the Fourth Riding of the County of Lincoln.

County of Haldimand.

XXXI. *And be it further enacted by the authority aforesaid,* That the tract of land on each side of the Grand River, now in the occupation of the Six Nation Indians, and laying to the southward and south-east of Dundas street, do constitute and form the County of Haldimand.

District of Niagara.

XXXII. *And be it further enacted by the authority aforesaid,* That the said Counties of Lincoln and Haldimand, with such of the Islands of this Province lying in the River Niagara, or Lake Erie, as are wholly, or in greater part adjacent thereto, together with the Beach at the head of Lake Ontario, between the outlet of Burlington Bay and the Township of Saltfleet, and together with the promontory between the said Burlington Bay and Coats Paradise, do constitute and form the District of Niagara.

XXXIII.

XXXIII. *And be it further enacted by the authority aforesaid,* That the Townships of Rainham, Walpole, Woodhouse, Charlotteville, Walsingham, Houghton, Middleton, Windham, and Townsend, together with Turkey Point, and Promontory of Long Point, do constitute and form the County of Norfolk.

County of Norfolk

XXXIV. *And be it further enacted by the authority aforesaid.* That the triangular tract of land heretofore called Townsend Gore, be added to the Township of Burford, and to become part thereof.

Addition to the township of Burford.

XXXV. *And be it further enacted by the authority aforesaid,* That the Townships of Burford, Norwich, Dereham, Oxford upon the Thames, Blanford, and Blenheim, do constitute and form the County of Oxford.

County of Oxford

XXXVI. *And be it further enacted by the authority aforesaid,* That the Townships of London, Westminster, Dorchester, Yarmouth, Southwold, Dunwich, Aldborough, and Delaware, do constitute and form the County of Middlesex.

County of Middlesex

XXXVII. *And be it further enacted by the authority aforesaid,* That the Counties of Norfolk, Oxford and Middlesex with so much of this Province as lies to the Westward of the Home District, and the District of Niagara, to the Southward of Lake Huron, and between them and a line drawn due north from a fixed boundary (where the easternmost limit of the Township of Oxford intersects the River Thames) till it arrives at Lake Huron, do constitute and form the District of London.

District of London

XXXVIII. *And be it further enacted by the authority aforesaid,* That the Townships of Dover, Chatham, Camden, distinguished by being called Camden West, the Moravian tract of Land, called Orford, distinguished by Orford north and south, Howard, Harwich, Raleigh, Romney, Tilbury, divided into the east and west, with the township on the river Sainclair, occupied by the Shawney Indians, together with the islands in the Lakes Erie and Sinclair wholly or in greater part opposite thereto, do constitute and form the County of Kent.

County of Kent.

XXXIX. *And be it further enacted by the authority aforesaid,* That the Townships of Rochester, Mersea, Gosfield, Maidstone, Sandwich, Colchester, Malden, and the tracts of Land occupied by the Huron and other Indians upon the Strait, together with such of the islands as are in Lakes Erie, Sinclair, or the Straits, do constitute and form the County of Essex.

County of Essex.

XL. *And be it further enacted by the authority aforesaid,* That the Counties of Essex and Kent, together with so much of this Province as is not included within any other District thereof, do constitute and form the Western District.

Western District.

XLI. *And be it further enacted by the authority aforesaid,* That this Act nor any part thereof, shall take effect until from and after the fourteenth day of February next.

Period, &c.

(See 324 Geo. III.
c 8—56th & 2 & 20—
59th & 10, s 1)

C H A P. VI.

An Act to amend, part of an Act passed in the thirty-fourth year of the Reign of His Majesty, intituled, "*An Act to establish a SUPERIOR COURT of CIVIL and CRIMINAL JURISDICTION, and to regulate the COURT of APPEALS,*" and also to amend and repeal part of an Act passed in the thirty-seventh year of the Reign of His Majesty, intituled, "*An Act for Regulating the Practice of the COURT of KING'S BENCH,*" and to make further Provision respecting the same.

[*The Royal Assent to this Act was promulgated by Proclamation, bearing date January first, in the year of Our Lord One thousand eight hundred, and fortieth of His Majesty's Reign.*]

Preamble.

(See 34th Geo. III. c. 2.)

Affidavit for holding to bail.

(a) See 51 Geo. III. c. 3.

Ch. ad resp. may be sued out after action brought.

WHEREAS by an Act passed in the thirty-fourth year of the Reign of His Majesty, intituled, "*An Act to establish a Superior Court of Civil and Criminal Jurisdiction, and to regulate the Court of Appeals,*" it is enacted, That no person shall be arrested or holden to bail upon any process issuing out of the Court of King's Bench in a Civil suit, unless an affidavit be first made by the plaintiff, that the defendant is justly and truly indebted to him in a sum certain, which together with the account for which it became due, shall be specified, and also that the deponent verily believes the defendant is about to leave the Province, with an intent to defraud his creditors; and whereas many persons having contracted debts in this Province, have fraudulently left the same before their creditors can have sufficient knowledge of their intention, so as safely to make the affidavit by the said Act required, for remedy thereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, *That in order to hold any person to bail in any Civil suit in the said Court of King's Bench, it shall be sufficient that the said affidavit (which may be made by the plaintiff, his servant or agent) besides stating the cause of action in the manner in the said Act mentioned, do also state that the deponent is apprehensive that the defendant will leave the Province without paying his debts (a)*

II. And for the more effectual prevention of such fraudulent practices as aforesaid, be it enacted by the authority aforesaid, *That in case the plaintiff in any action now pending, or hereafter to be brought in the said Court, his servant, or agent shall, at any time after action brought, and before final judgment, be apprehensive that the defendant will leave the Province without paying his debts, it shall and may be lawful to and for the said plaintiff, his servant or agent, having made and filed such affidavit as aforesaid, to sue out a writ of Capias ad Respondendum, and to cause the said defendant to be thereupon arrested and holden to bail, which bail if the said writ shall have been sued out after appearance made, shall be bail to the action. (a)*

III. *Provided nevertheless, and be it enacted by the authority aforesaid, That the suing out of such Writ, shall not be taken or construed in any manner to affect any proceedings theretofore had in the said action; but the same shall continue in like manner as if the said Writ had been sued out at the commencement thereof, any Law to the contrary notwithstanding. (a)*

Without; &c.

(a) See 51st Geo. III. c. 3.

IV. *And be it further enacted by the authority aforesaid, That the condition of every recognizance of bail to the action shall be such, that the cognizors thereof shall not become liable, unless the defendant shall leave the Province, without having paid the debt for which such action shall have been brought.*

Condition of the recognizance.

V. *And be it further enacted by the authority aforesaid, That no writ of capias ad satisfaciendum, shall issue in any action now pending, or hereafter to be brought into the said Court, unless an affidavit be first made and filed by the plaintiff, his servant, or agent, in the manner herein before directed, with respect to holding to bail, that he is apprehensive that the defendant will leave the Province without paying his debts, or that he hath reason to believe that the defendant hath removed or secreted his effects, or hath made some secret and fraudulent conveyance thereof, in order to prevent the same from being taken in execution. (a)*

Affidavit on taking out Ca. Ba.

VI. *Provided nevertheless, and be it further enacted by the authority aforesaid, That nothing herein contained shall be construed or taken in any manner to affect the right of the bail to take and surrender the defendant in discharge of themselves.*

Bail may surrender defendant in discharge of themselves.

VII. *And be it further enacted by the authority aforesaid, That in case the plaintiff in any action now pending, or hereafter to be brought in the said Court, his servant or agent, at any time before or after final judgment, and before the debt for which such action shall have brought, is paid or satisfied, shall be apprehensive that the defendant will leave the Province without paying his debts, and that he may leave the same before he can be arrested and holden to bail, or taken in execution as aforesaid, it shall and may be lawful to and for any of His Majesty's Justices of the Peace, upon oath thereof made before him, by the said plaintiff, his servant, or agent, to issue his warrant, and cause the said defendant to be arrested and detained, until he can be served with the proper process of the said Court. *Provided nevertheless, That the time of such detention shall in no case exceed the space of eight days.**

Provisional arrest of debtors by warrant from any Justice of the Peace.

(See 51st Geo. III. c. 3.)

VIII. *And be it further enacted by the authority aforesaid, That so much of an Act passed in the thirty-seventh year of the reign of His present Majesty, intituled "An Act for regulating the practice of the Court of King's Bench," as enacts, that the parties may plead to issue in the office of the Clerk of the Crown and Pleas of this Province, (b) in and for the several Districts thereof, and also that every Monday in the course of the year, except Easter Monday and Christmas Day, in case it shall happen on a Monday, shall be a return day for the return of Writs issuing out of the said Court of King's Bench, and also that the plaintiff shall cause the defendant to be served with the Writ of Summons, and that no mileage shall be allowed for the same, shall be, and the same is hereby repealed.*

Recital 37 Geo. III. chap. 4.

(b) See 41st Geo. III. c. 9 s. 1.

Repeal thereof in respect to pleading in the district offices; the return of Writs out of term; and mileage.

But original process
and writs of ca. sa. to
issue still out of the
District offices.

(a) See 41st Geo. III.
c. 2, 11.

IX. *Provided nevertheless, and be it further enacted by the authority aforesaid,*
That the said office of the Clerk of the Crown and Pleas shall be an office
for issuing the original process of the said Court, and also for issuing writs of
capias ad satisfaciendum. (a)

CHAP. VII.

An Act to alter the method of performing STATUTE DUTY on the HIGHWAYS and
ROADS within this Province.

[*Repealed by 50th Geo. III. c. 1.*]

STATUTES

OF

UPPER-CANADA,

PASSED IN THE FOURTH SESSION OF THE SECOND PROVINCIAL
PARLIAMENT,

MET AT TORONTO, ON THE TWELFTH DAY OF JUNE, AND PROROGUED ON THE TWENTY-
NINTH DAY OF THE SAME MONTH, IN THE THIRTY-NINTH YEAR
OF THE REIGN OF GEORGE III.

THE HONORABLE PETER RUSSELL, ESQUIRE, PRESIDENT.

ANNO DOMINI 1799.

C H A P. I.

An Act to revive and continue an Act, passed in the First Session of this present Parliament,
intituled, "An Act for the better Securing the Province against the King's ENEMIES."

[Continued by 37th Geo. III. c 1. for 2 years.—Expired.]

C H A P. II.

An Act to continue an Act, intituled, "An Act for securing the PRISONS to LANDS in this
Province."

[Continued by 37th Geo. III. c 3. for 2 years.—Expired.]

C H A P. III.

Q H A P. III.

An Act to provide for the EDUCATION and SUPPORT of ORPHAN CHILDREN.

[29th June, 1799.]

Preamble.

WHEREAS it is expedient to provide for the Education and Support of Orphan Children, or Children who may be deserted by their Parents, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That when the father and mother of any Infant Child shall die, or shall abandon their Infant Child or Children, it shall and may be lawful for the Town Wardens of any Township where such Child or Children shall be, by and with the approbation and consent of two of His Majesty's Justices of the Peace, to bind the said Child or Children as Apprentices, until he, she, or they, shall have attained the age of twenty one years in the case of males, and eighteen in the case of females; and an indenture to this effect, under their hands and seals, and counter-signed by two Justices of the Peace, shall be good and valid in law.

Town Wardens with approbation of two justices, may bind orphan or abandoned infant children.

The like power given to the mother, when the father abandons his infant children.

II. *And be it further enacted by the authority aforesaid,* That when the father of any Infant Child or Children, shall abandon and leave such Infant Child or Children with the mother, it shall and may be lawful for the mother in such case, by and with the approbation of two of His Majesty's Justices of the Peace, to bind such Child or Children, as Apprentices, until he, she, or they shall have attained the age of twenty one years in the case of males, and eighteen in the case of females; and an indenture to that effect, under her hand and seal, and counter-signed by two Justices, shall be good and valid in law.

Exception.

III. *Provided always, and be it further enacted by the authority aforesaid,* That when the relations of any Orphan, or abandoned Infant Child, or Children, are able and willing to support and bring them up; then, and in such case, it shall not be in the power of the Town Wardens to Apprentice such Child or Children.

Further exception.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That no Infant Child, or Children, having attained the age of fourteen years, shall be liable to be apprenticed as aforesaid, unless he, she or they consent thereto.

C H A P. IV.

An Act to enable Persons holding the Office of REGISTER, to be Elected MEMBERS of the House of ASSEMBLY.

[29th June, 1799.]

WHEREAS by the sixteenth clause of an Act passed in the thirty-fifth year of His Majesty's Reign, intituled, "An Act for the public registering of Deeds, Conveyances, Wills, and other incumbrances which shall be made, or may affect any lands, tenements, or hereditaments within this Province," it is declared and enacted, that "no Member of the House of Assembly thereafter to be chosen, during the time that he is such Member, shall be capable of being appointed Register, or of executing by himself, or any other person, the said office, or have, take, or receive any fee or other profit whatsoever, for, or in respect thereof; nor shall any Register or his Deputy for the time being, be capable of being thereafter chosen a Member to serve in the Assembly of this Province," Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, That the said sixteenth clause of the said above recited Act, shall be, and the same is hereby repealed.

(See 33th Geo. III. c. 5.)

16th clause of 35th Geo. III. repealed.

II. *Provided always, and be it further enacted by the authority aforesaid, That* if any Member of the Assembly shall, at any time hereafter, accept the Office of Register of any County or Riding, his seat therein shall be, and is hereby declared to be vacated thereupon.

Any members of the assembly accepting the office of register his seat to be vacated.

III. *Provided also nevertheless, That* such appointment shall be no bar or obstruction to the re-election into the Assembly, of the person so accepting and holding the same.

But no bar to his re-election.

C H A P. V.

An Act to Ratify, Approve and Confirm the PROVISIONAL AGREEMENT made and entered into by Commissioners on the part of this Province, and Commissioners on the part of the Province of Lower Canada.

[Expired.]

(Continued by 41st Geo. III. c. 4—45th c. 4—49th c. 1—51st c. 5—53rd c. 8—54th c. 18. & 55th c. 29.)

(See 58th Geo. III. c. 13.)

STATUTES OF UPPER-CANADA,

PASSED IN THE FIRST SESSION OF THE THIRD PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE SECOND DAY OF JUNE, AND PROROGUED ON THE FOURTH
DAY OF JULY FOLLOWING, IN THE FORTIETH YEAR
OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR;

ANNO DOMINI 1800.

C H A P. I.

An Act for the further introduction of the CRIMINAL LAW of ENGLAND in this Province,
and for the more effectual PUNISHMENT of certain OFFENDERS.

[4th July, 1800.]

Recital.

WHEREAS the Criminal Law of England was by an Act of the Parliament of Great Britain, passed in the fourteenth year of His Majesty's reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, introduced and established as the Criminal Law of this Province: And whereas divers amendments and improvements have since been made in the same by the Mother Country, which it is expedient to introduce and adopt in this Province; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province," and

and by the authority of the same, That the Criminal Law of England, as it stood on the seventeenth day of September, in the year of our Lord, one thousand seven hundred and ninety-two, shall be, and the same is hereby declared to be the Criminal Law of this Province.

The Criminal Law of England introduced as it stood on the 17th day of Sept. 1792.

II. *Provided nevertheless*, That nothing herein contained shall be taken or construed to vary, repeal, or in any manner to affect any Ordinance of the late Province of Quebec, which may have been made since the said fourteenth year of His Majesty's Reign.

Saving of Ordinances made since the 14th Geo. III.

III. And whereas the punishment of burning in the hand, when any person is convicted of felony within the Benefit of Clergy, is often disregarded and ineffectual, and sometimes may fix a lasting mark of disgrace and infamy on offenders, who might otherwise become good subjects and profitable members of the community; *Be it therefore enacted by the authority aforesaid*, That from and after the passing of this Act, when any person shall be lawfully convicted of any felony within the Benefit of Clergy, for which he or she is liable by law to be burned or marked in the hand, it shall and may be lawful for the Court before which any person shall be so convicted, or any Court holden for the same place with the like authority, if such Court shall think fit, instead of such burning or marking, to impose upon such Offender such a moderate pecuniary fine as to the Court in its discretion shall seem meet; or otherwise it shall be lawful, instead of such burning or marking, in any of the cases aforesaid, except in the case of manslaughter, to order and judge, that such offender shall be once, or oftener, but not more than three times, either publicly or privately, whipt; such private whipping to be inflicted in the presence of not less than two persons besides the offender and the officer who inflicts the same; and in case of female offenders, in the presence of females only; and such fine or whipping so imposed or inflicted instead of such burning or marking, shall have the like effects and consequences to the party on whom the same, or either shall be so imposed or inflicted, with respect to the discharge from the same or other felonies, or any restitution to his or her estates, capacities and credits, as if he or she had been burned or marked as aforesaid.

When any person is convicted of any felony for which he is liable to be burnt in the hand, the Court may, instead of such burning, impose on him a moderate fine, or except in case of Manslaughter, order him to be whipped.

IV. *Provided always, and be it further enacted by the authority aforesaid*, That nothing in this Act contained, shall abridge, or deprive any Court of the powers now vested in it by law, of detaining and keeping in prison, for any time not exceeding one year, or of committing to the House of Correction, or Public Work-house, to be kept to hard labor, for any time not exceeding one year, or of committing to the House of Correction, for any time not less than six months, or exceeding two years, any such offender as aforesaid; but that such offender may, if such Court shall think fit, after such burning or marking, or after such whipping or fine as shall by virtue of this present Act be inflicted or imposed instead thereof, be so detained or committed, and with such accumulated punishment, in case of escape from such House of Correction, or Work-house, as if this Act had never been made.

This Act not to abridge the powers vested in the said Courts of imprisoning offenders.

Banishment substituted for transportation.

V. And whereas so much of the said Criminal Law of England, as relates to the transportation of certain offenders to places beyond the seas, is either inapplicable to this Province, or cannot be carried into execution without great and manifest inconvenience, *Be it enacted by the authority aforesaid,* That when any person shall be convicted of any crime, for which he or she shall be liable by law, to be transported, the Court before which such person shall be so convicted, or any Court holden for the same place, with the like authority, instead of the sentence of transportation, shall order and adjudge, that such person be banished from this Province, for and during the same number of years, or term for which he, or she would be liable by law to be transported, and do remove him, or herself therefrom within a space of time to be then fixed and declared by the Court, and which shall, in no instance be less than two days nor more than eight, including the day on which such sentence of banishment shall be passed.

Provisions in case of return from banishment or being found at large in the Province before the period is expired.

VI. *And be it further enacted by the authority aforesaid,* That if any person on whom such sentence of banishment shall have been passed as aforesaid, or to whom His Majesty, His Heirs or Successors, shall hereafter be graciously pleased to extend the Royal Mercy upon condition of his, or her, leaving the Province for any term of years, or for life, shall be found at large in any part thereof without some lawful cause, after the time within which he, or she, shall have been so banished, or shall have so consented to leave the Province, and before the expiration of the term for which he, or she, shall have been so banished, or shall have so consented to leave the same, every such offender being thereof lawfully convicted, shall suffer death as in cases of felony, without benefit of Clergy; and such offender may be tried either before Justices of Assize, Oyer and Terminer or Gaol Delivery, for the District, County, or place where such offender shall be apprehended and taken, or where he, or she, may have received such sentence of banishment; and the Clerk of the Crown, Clerk of the Peace or other officer, having the custody of the records where such sentence of banishment shall have been pronounced, or the Register of the Province in the case of such conditional pardon as shall at the request of any person on His Majesty's behalf, and without fee or reward, make out and give a certificate in writing, signed by him the said Clerk of the Crown, Clerk of the Peace or other officer, or by the said Register, respectively, containing the effect and substance, omitting the formal part of every indictment and conviction of such offender, and of the sentence of banishment, or of such conditional pardon respectively, to the Justices of Assize, Oyer and Terminer and Gaol Delivery, where such offender shall be indicted, which certificate shall be sufficient proof of such conviction and sentence of banishment, or of such conditional pardon respectively.

Not to restrain the power of His Majesty to pardon.

(See 34th Geo. III. c. 2.)

VII. *Provided nevertheless,* That nothing herein contained shall be construed in any manner to restrain, or prevent His Majesty, His Heirs or Successors, to grant an absolute and unconditional pardon to such offender, and to allow of his, or her return to this Province.

C H A P. II.

An Act for the Regulation of SPECIAL JURIES.

[Repealed by 48th Geo. III. c 13. s 1.]

C H A P. III.

An Act for the more equal REPRESENTATION of the COMMONS of this Province in PARLIAMENT, and for the better defining the QUALIFICATION of ELECTORS.

[4th July, 1800.]

FOR the better Representation of the Commons of this Province in Parliament, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the end of the present Parliament, the Representation of the Commons of this Province in the House of Assembly, shall be in manner and form following, that is to say:—

The Counties of Glengary and Prescott, shall be together Represented by *two* (a) Members.

The Counties of Stormont and Russel, shall be together Represented by *one* Member.

The Counties of Dundas, Grenville, Leeds, Frontenac, and Prince Edward, be each Represented by *one* Member.

The incorporated Counties of Lenox and Addington, be together Represented by *one* Member.

The Counties of Hastings and Northumberland, be together Represented by *one* Member.

The County of Durham, the East Riding of the County of York, and the County of Simcoe, be together Represented by *one* Member.

The West Riding of the County of York, the first Riding of the County of Lincoln, and the County of Haldimand, be together Represented by *two* Members.

The second, third and fourth Ridings of the County of Lincoln, be together Represented by *two* Members.

The Counties of Oxford, Middlesex, and Norfolk, shall together be Represented by *one* Member.

The County of Kent, shall be Represented by *one* Member.

The County of Essex, shall be Represented by *two* Members.

Representation.

(a) The numbers in Italics repealed by 48th Geo. III. c 11. s 1.

Qualification of Electors.

II. *And be it further enacted by the authority aforesaid,* That no person shall be considered as qualified to vote, or shall vote at the ensuing Election for a Member to Represent the Commons of this Province in Provincial Parliament, who shall have sworn allegiance to any Foreign State; or have been a stated resident in the Dominions of the same, unless such person shall have been previously and bona fide resident in this Province, or in some other of the Dominions of His Majesty, for, and during the term of four years then next preceding, and shall have taken the oath of allegiance to His Majesty; and that on any future Election, no such person or persons shall vote as aforesaid, until he or they shall have been previously and bona fide resident in this Province or in some other of His Majesty's Dominions, for and during the term of seven years next preceding, and shall have taken the oath of allegiance to His Majesty.

CHAP. IV.

An Act for the summary Conviction of Persons selling SPIRITUOUS LIQUOR by Retail WITHOUT LICENCE.

[4th July, 1800.]

Manner of conviction when offender resides in the District.

FOR the summary conviction of persons selling Spirituous Liquor by Retail without Licence, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That if any person or persons shall, directly or indirectly, sell any wine, brandy, rum or other spirituous liquor by retail, without Licence for that purpose previously obtained, such person or persons having, if resident in the District in which the offence shall have been committed, been summoned to appear before any three or more of His Majesty's Justices of the Peace, who are hereby authorized and empowered to hear and determine the matter, and being lawfully convicted thereof, by the oath of one credible witness, shall forfeit and pay the sum of Twenty Pounds of lawful money of this Province, to be levied with costs of suit, by distress and sale of the goods and chattels of such offender or offenders, one half of which penalty shall be paid to the person or persons informing, and the other half into the hands of His Majesty's Receiver General, to and for the public uses of this Province; and in default of the said offender or offenders having goods and chattels, from which the said penalty may be raised, it shall and may be lawful for the said Justices to commit him, her or them to the gaol of the District in which the offence shall have been committed, for and during the space of three calendar months.

II. *And be it further enacted by the authority aforesaid,* That if any such offender or offenders, be not usually resident within the District in which the offence shall have been committed, it shall and may be lawful to and for any one of His Majesty's Justices of the Peace, in and for the District in which the offence shall have been committed, upon information upon oath made before him, to issue his warrant for apprehending such offender or offenders, and to oblige him, her, or them to enter into recognizances with one or more sufficient sureties for his, her, or their appearance at such time and place as shall be appointed for the hearing of the said complaint, or in default thereof, to commit him, her, or them for safe custody to the common gaol of the District, until the said complaint shall have been finally heard and determined.

Manner of conviction when offender does not reside within the District.

III. *And be it further enacted by the authority aforesaid,* That from and after the fifth day of April now next ensuing, it shall not be lawful to or for any shopkeeper-licenced to sell wine, brandy, rum and other spirituous liquors by retail, to sell or vend the same, in any less quantity, or by any smaller measure than one quart; and if any shopkeeper or shopkeepers shall, from and after the said fifth day of April, sell or vend any wine, brandy, rum, or other spirituous liquors, in less quantity, or by smaller measure than one quart, he, she, or they shall, for such offence, forfeit and pay the sum of Twenty Pounds, to be levied in manner and form herein before mentioned, and the monies arising therefrom, shall be divided and applied in like manner and to the same uses as herein before is directed.

No shop-keeper to sell less than one quart of wine, brandy, &c.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That no information or complaint, shall be received under this Act, if more than six calendar months have elapsed since the time of the offence committed.

Limitation of prosecution.
(See 34th Geo. III. c 12.—41st c 8. s 2.)

C H A P. V.

An Act to Revive and Continue an Act intituled "*An Act to provide for the appointment of RETURNING OFFICERS for the several Counties within this Province.*"

[4th July, 1800.]

WHEREAS an Act passed in the thirty third year of His Majesty's Reign, intituled, "*An Act to provide for the appointment of Returning Officers for the several Counties within this Province,*" was limited to be and continue in force for, and during the space of seven years; and whereas the time limited in the said Act is now expired, and it being necessary that the same should be revived and continued, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign,*"

(33d Geo. III. c 12.
continued by 43th Geo. III. c 5.)

intituled,

intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further Provision for the Government of the said Province," and by the authority of the same, That the said Act of the thirty-third year of His Majesty's Reign, and every part thereof, and every clause, matter and thing therein contained, are by the present Act revived and continued for and during the space of eight years, and no longer:

~~—————~~

C H A P. VI.

An Act for making a Temporary Provision for the Regulation of TRADE between this PROVINCE and the UNITED STATES of America, by Land or by Inland Navigation.

[*Expired, 7th July, 1802.*]

STATUTES OF *UPPER-CANADA,*

PASSED IN THE SECOND SESSION OF THE THIRD PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE TWENTY-EIGHTH DAY OF MAY, AND PROROGUED ON THE NINTH
DAY OF JULY FOLLOWING, IN THE FORTY-FIRST YEAR
OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR.

ANNO DOMINI 1801.

C H A P. I.

An Act to continue an Act passed in the thirty seventh year of His Majesty's Reign, intituled,
" *An Act for the better securing the Province against the King's ENEMIES.*"

[*Continues 37th Geo. III. c 1. two years, and then to the end of the next en-
suing Session of Parliament.*]

C H A P. II.

An Act for the further Regulation of the MILITIA of this Province, and for the more effec-
tual PUNISHMENT of OFFENDERS against the MILITIA LAWS.

[*Repealed by 48th Geo. III. c 1.*]

C H A P. III.

An Act to empower the Commissioners of the Peace for the Midland District, in their Court of General Quarter Sessions assembled, to Establish and Regulate a MARKET in and for the Town of KINGSTON in the said District.

[9th July, 1801.]

Preamble.

WHEREAS it is expedient for the convenience of the inhabitants of the Midland District, that a Market should be established at Kingston, in said District, and that the times and place for holding such Market should be ascertained, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Commissioners of the Peace in the Midland District, in their Court of General Quarter Sessions assembled, and they are hereby authorised and empowered to fix upon and establish some convenient place in the Town of Kingston, as a Market, where Butcher's Meat, Butter, Eggs, Poultry, Fish and Vegetables, shall be exposed to sale; and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto, as they shall deem expedient.

Market erected at Kingston.

Orders and regulations.

Fines for offences.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be, and they are hereby authorised and empowered to impose such fines, not exceeding twenty shillings, for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Publication of rules, orders, and regulations.

III. *And be it further enacted by the authority aforesaid,* That all such orders, rules, and regulations shall be published by causing a copy of them to be affixed in the most public place in every Township in the said District, and at the doors of the Church and Court House of the said Town of Kingston, and that such orders, rules and regulations shall not be in force until three weeks after such publication.

Mode of levying and application of fines.

IV. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the orders and regulations so made by the said Commissioners, such person, shall for every such transgression, forfeit the sum which in every such order, rule and regulation shall be specified, to be recovered by information before any one Commissioner of the Peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such Commissioner, upon the goods and chattels of such offender, and that one moiety of the sum so levied shall go to the informer, the other moiety shall be paid into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty through the Commissioners of his Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

C H A P. IV.

C H A P. IV.

A Bill to ratify and confirm certain Provisional ARTICLES of AGREEMENT entered into by the respective Commissioners of THIS PROVINCE and LOWER CANADA, at Quebec, on the second day of February, One thousand eight hundred and one, relative to DUTIES, and for carrying the same into effect, and also to continue an Act passed in the thirty-ninth year of His Majesty's Reign.

(See 39th Geo. III. c. 13.)

[Expired.]

C H A P. V.

An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like DUTIES on Goods and Merchandize brought into this Province from the UNITED STATES of America, as are now paid on Goods and Merchandize imported from Great Britain and other places.

[9th July, 1801.]

MOST GRACIOUS SOVEREIGN,

W E your Majesty's most dutiful and loyal Subjects the Commons of the Province of Upper Canada, in Parliament assembled, for the uses of this Province, have freely and voluntarily resolved to give and grant to Your Majesty, Your Heirs and Successors, the several Duties herein after mentioned, and in such manner and form as herein after expressed. And therefore most humbly beseech Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act there, shall be raised, levied, collected and paid into the hands of the Receiver General, as Treasurer of this Province, to and for the use of Your Majesty, Your Heirs and Successors, and to and for the uses of this Province, the like Duties on all Goods and Merchandize that may be imported or brought into this Province from any part, port, or place, of or belonging to the citizens of the United States of America, as are now levied and collected under and by virtue of any Act of the Parliament of Great Britain, or levied and collected in the Province of Lower Canada, to and for the use and benefit of this Province, under and by virtue of any provisional agreement in force between the Provinces of Upper Canada and Lower Canada, and under and by virtue of any Act or Acts passed in the said Province of Lower Canada, imposing a Duty on Goods and Merchandize brought into that Province from Great Britain, or parts beyond the seas.

Preamble.

Like duties to be levied on goods and merchandize imported into this Province from the United States of America, as are now levied on goods or merchandize in the Province of Lower Canada for the use of this Province.

Ports of entry and clearance.

Governor, &c. to appoint Collectors.

Their duties.

To report all entries and account.

Collectors may appoint deputies.

Allowance to Collectors.

Security to be given by them.

Terms of intercourse between this Province and the United States.

II. *And be it further enacted by the authority aforesaid*, That for the better collecting the said Duties, the ports of Cornwall, Johnstown, Newcastle, York, Kingston, Niagara, Queenston, Fort Erie Passage, Turkey Point, Amherstburgh and Sandwich, shall be, and they are hereby declared to be Ports of Entry and Clearance for all Goods and Merchandize brought into this Province (not being goods entirely prohibited) and for the payment of all Duties liable to be paid on all Goods and Merchandize brought into this Province as aforesaid, which payments shall be made at the respective Ports, or some or one of them, in such manner and wise as the Governor, Lieutenant Governor, or Person administering the Government of this Province, by and with the advice and consent of the Executive Council thereof, shall for the better collecting of the same, order and direct : And that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government, under his hand and seal at arms, to nominate and appoint one or more Collector or Collectors at the said Ports of entry and clearance, which said Collector or Collectors, or his or their deputy or deputies, shall make his or their report to the said Governor, Lieutenant Governor, or Person administering the Government, of all entries made at his or their respective Port or Ports, and account to the Receiver General of the said Province for all Duties and Seizures levied, paid and made under and by virtue of any Act or Acts of the Parliament of Great Britain, or under and by authority of this Act, at or before the expiration of every six months.

III. *And be it further enacted by the authority aforesaid*, That the said Collectors shall, and they are hereby authorised to appoint one or more deputy or deputies in their several Districts, for the better carrying into effect the provisions of this Act.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of the said Province, by and with the advice and consent of the said Executive Council, to allow to each Collector fifty pounds per centum on the amount of Duties so collected, until the same amount to one hundred pounds per annum and no more, and the said Collector or Collectors shall give security, by two sureties in five hundred pounds each, and himself in one thousand pounds, for the due performance of his office.

V. *And be it further enacted by the authority aforesaid*, That all Goods and Merchandize, whose importation into this Province is not, or shall not be entirely prohibited, may freely, for the purposes of commerce, be carried, brought and imported into the same from the said United States, in manner aforesaid, by His Majesty's subjects and by the citizens of the said States, upon the payment of the several and respective Duties due and payable by His Majesty's subjects on the importation of the like Goods and Merchandize from Great Britain or other parts beyond the seas, *Provided always*, That nothing in this Act shall extend, or be construed to extend, to permit or allow any such Goods or Merchandize to be unladen at any place or places, or at any other times or hours than is or are herein after mentioned or allowed.

VI. *And be it enacted by the authority aforesaid,* That no duty of entry shall be payable, or levied, or demanded by any Collector or deputy on any Peltries brought by land or inland navigation into this Province, and that Indians passing or repassing with their proper goods and effects, of whatever nature, shall not be liable to pay for such goods and effects any impost or duty whatever, unless the same shall be goods in bales or other packages unusual among Indians for their necessary use, which shall not be considered as goods belonging bona fide to Indians, or as goods entitled to the foregoing exemption from duties and imposts; that no higher or other tolls or rates of ferriage than what are or shall be payable by His Majesty's subjects, shall be demanded by any person or persons of the citizens of the United States of America, and that no duties under and by virtue of this Act shall be payable on any goods which shall be merely carried over any of the portages, or carrying places within this Province, for the purpose of being immediately re-embarked and carried to some other place or places, *Provided nevertheless,* That the last mentioned exemption from duty, shall extend only to such goods as are carried in the usual and direct road across such portages or carrying places, and are not attempted to be in any manner sold or exchanged during their passage across the same.

Peltries.

Indians.

Ferriage.

Goods in transitu.

VII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful to make entry of any vessel, boat, raft or carriage, or of any cargo or load, or of any goods, wares or merchandize imported into this Province from the said United States, except at the ports of entry aforesaid; and that the Collector or Collectors, deputy or deputies of and for the said ports, shall attend every day except Sundays, Christmas-Day and Good Friday, at a certain place to be named for each port, for the discharge of the duties of their respective offices, between the hours of nine and twelve of the clock in the forenoon, and three and six of the clock in the afternoon, from the first day of May to the first day of October, and from ten to three from the first day of October to the last day of April.

Entry of vessels, boats, &c.

Attendance of collectors.

VIII. *And be it further enacted by the authority aforesaid,* That all vessels, boats, rafts and carriages of what kind or nature soever containing goods, wares or merchandize, passing by or into the said ports or either of them, shall be reported to the Collector or his deputy, and be subject to visitation and search by the Collector or his deputy established at any of the said ports, and that upon the arrival of any vessel, boat, raft or carriage from any port or place in the said United States at any of the ports aforesaid, the master or other person duly authorised, having the charge or command of such vessel, boat, raft, or carriage, shall forthwith repair to the place so to be named as aforesaid at each of the said ports, and shall there report to the Collector or his deputy, the arrival of the said vessel, boat, raft, or carriage, together with the burthen, cargo or load of such vessel, boat, raft or carriage, whether in packages or stowed loose, of the particular marks and numbers of each package, and the place or places, person or persons to and for which or whom they are respectively consigned or intended: and the said master or person having the charge or the command of any such vessel, boat, raft, or carriage, shall further declare that no part of the cargo or load of such vessel, boat, raft, or carriage, since the departure of such vessel, boat, raft or carriage, from

Manner of proceeding on arrival of vessels, boats, &c.

from the port or place in the said United States, from which the said vessel, boat, raft, or carriage, shall have sailed or departed has been landed or unloaded, or otherwise removed, except as he shall then specify, together with the cause, time, place, and manner, which said reports and declarations respectively, shall be made in writing, signed by the party making the same, and shall be attested by his oath, or affirmation if one of the persons called Quakers, which the said Collector or his deputy is hereby authorised and required to administer : and if the said master or person having the charge or command of any such vessel, boat, raft or carriage, shall neglect or omit to make the said reports and declaration, or either of them, or to attest the same or either of them, on oath or affirmation aforesaid, as the case may require, he shall for every such offence forfeit and pay a sum not less than five pounds, nor more than two hundred and fifty pounds.

Collector to make estimate and give certificate and permit.

IX. *And be it further enacted by the authority aforesaid*, That in all cases where any duties are or shall be by law imposed and payable on any goods, wares or merchandize imported from the said United States, so entered at any of the ports aforesaid, the Collector or deputy of the port where the same shall be entered, shall make an estimate of the amount of such duties, and the amount of the said duties according to the said estimate having been first paid or secured to be paid, pursuant to the provisions herein after contained, the said Collector or his deputy shall give a certificate thereof, and grant a permit to land or unload the said goods, wares or merchandize whereof such entry shall have been so made, and then, and not otherwise, it shall be lawful to land or unload the said goods or proceed therewith.

How to act, when goods from the United States are removed from the port of entry, after duties paid or secured.

X. *And be it further enacted by the authority aforesaid*, That when any person or persons, shall have occasion to remove by land or water from any port of entry aforesaid, to any other port or place within this Province, any goods, wares or merchandize liable to pay duty, duly imported into any port aforesaid from the United States of America, on which the duties imposed by law shall have been paid or secured to be paid, the Collector or deputy of any such port upon requisition in writing for that purpose, made and signed by such person or persons, and to such Collector or deputy delivered, specifying the particular goods, wares and merchandize to be removed, and the number of packages in which the same are contained, with their marks and numbers, shall, and he is hereby required to give a protection in writing, signed by him the said Collector or deputy, specifying the particular goods, wares and merchandize to be removed, the number of the packages containing such goods, wares and merchandize, with the marks and numbers, and certifying that such goods, wares and merchandize have been duly entered in that port or harbour, and that the duties thereon have been paid or secured to be paid : And the Collector or deputy giving such protection, shall limit therein the time within which such goods, wares or merchandize, shall be removed from such port, and also the time within which the said protection shall be in force.

Goods to be unladen in open day, without special licence to contrary.

XI. *And be it further enacted by the authority aforesaid*, That any goods, wares, or merchandize imported, or brought in or upon any vessel, boat, raft, or carriage, from any port or place in the said United States, shall not

not be unladen or delivered from such vessel, boat, raft, or carriage, at any port or harbour but in open day, that is to say, between the rising and setting of the Sun, except by special licence for that purpose from the Collector or deputy of the port or harbour: And if any goods, wares, or merchandize shall be unladen or delivered contrary to the directions aforesaid, or either of them, the master or person having the command or charge of such vessel, boat, raft, or carriage, and every other person who shall knowingly be concerned, or aiding therein, or in removing or otherwise securing the said goods, wares or merchandize, shall forfeit and pay a sum not less than five pounds, nor exceeding fifty pounds for each offence, and all such goods, wares, and merchandize so unladen or delivered, shall become forfeited, and may be seized by the said Collector or his deputy: And where the value, according to the highest market price of the same, shall amount to twenty pounds, the vessel, boat, raft, or carriage, with the tackle, apparel, furniture, cattle, harness, and horse or horses thereto respectively belonging, shall also become forfeited, and shall and may be seized by the said Collector or deputy, subject nevertheless to condemnation by due course of law.

Penalty

XII. *And be it further enacted by the authority aforesaid,* That no goods, wares or merchandize liable to pay duty, imported or brought into this Province in or upon any vessel, boat, raft, or carriage, from any port or place in the United States of America, in or upon any vessel, boat, raft or carriage, requiring to be weighed, gauged, taled, or meted, in order to ascertain the duties thereon, shall be removed from any wharf, or place upon which the same may be landed, put, or delivered, before the same shall have been weighed, gauged, taled or meted, by, or under the direction of the Collector or deputy, which he is hereby directed and required to perform with all convenient speed: And if any such goods, wares or merchandize shall be removed from such wharf or place, before the same shall have been so weighed, gauged, taled or meted, the same shall be forfeited, and may be seized by such Collector or deputy, subject nevertheless to condemnation by due course of law.

No goods liable to duty shall be removed from the place of landing until weighed, gauged, taled, or meted.

Penalty.

XIII. *And be it further enacted by the authority aforesaid,* That before the unloading of any goods, wares or merchandize imported, or brought into this Province from the said United States, on which any rates or duties are by law imposed, the said rates and duties shall be paid or secured to be paid to His Majesty, his heirs and successors, in like manner as the same are now raised, levied, collected and recovered under and by virtue of any Act of the British Legislature, relating to the customs and trade of His Majesty's Colonies in America, and under and by virtue of any Act of the Provincial Parliament of the Province of Lower Canada.

Duties how paid or secured before unloading the goods.

XIV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Collector or deputy of any port or harbour aforesaid, after entry made of any goods, wares or merchandize, on suspicion of fraud, to open and examine in the presence of two or more reputable persons, any package or packages thereof, and if upon examination they shall be found to agree with the entries, the said Collector or deputy shall cause the same to be repacked and delivered to the said owner or claimant forthwith, and the

On suspicion of fraud examination of goods, in what manner to be made.

the expence of such examination shall be paid by the said Collector or deputy ; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares and merchandize contained in such package or packages shall be forfeited ; subject nevertheless to condemnation according to due course of law. *Provided always* That the said forfeiture shall not be incurred if it shall be made appear to the satisfaction of the said Collector or deputy, or of the Court in which a prosecution for the forfeiture shall be had, that such difference proceeded from mistake or accident, and not from an intention to defraud the revenue.

Forfeitures where goods not entered according to directions of this Act,

Directions for collectors or their deputies to search for goods suspected not to be entered.

Penalty for buying goods liable to seizure.

Goods not prohibited to be exported duty free to the United States.

Collectors and their deputies may seize as well without as within their respective districts.

XV. *And be it enacted by the authority aforesaid,* That all goods, wares or merchandize which shall be imported or brought by land or by inland navigation into this Province from the said United States, and which shall not be entered according to the directions of this Act, at the port or harbour where any goods, wares or merchandize shall arrive or be brought, shall be forfeited, together with the vessel, boat, raft or carriage in or upon which the same shall be found, or shall have been imported, and the tackle, apparel, furniture, cattle, horse or horses and harness thereunto respectively belonging. And the Collector or deputy of the said port or harbour, and all other Collectors and deputies, or other person or persons by them for that purpose especially appointed, shall have full power and authority to enter into and upon any vessel, boat, raft or carriage, in which he or they shall have reason to suspect any goods, wares or merchandizes not entered as aforesaid to be concealed, and therein to search for, seize and secure any such goods, wares or merchandize : and if he or they shall have cause to suspect that any such goods, wares or merchandize are concealed in any particular dwelling house, store, building or other place, they or either of them shall upon application upon oath to any Justice of the Peace be entitled to a warrant to enter, taking with them a peace officer, such store or other place (in the day time only) and there to search for such goods, wares or merchandize, and if any shall be found, to seize and secure the same for trial ; and if any person or persons shall conceal, or shall buy any goods, wares or merchandize, knowing them to be liable to seizure by this Act, such person or persons on conviction thereof, shall forfeit and pay double the value of the goods, wares or merchandize so concealed, purchased or exchanged.

XVI. *And be it enacted by the authority aforesaid,* That all goods, wares, and merchandize whereof the importation is not, and shall not be entirely prohibited, may freely, for the purposes of commerce, be carried and exported free and exempt of all duties whatsoever from and out of this Province into the said United States, as well by His Majesty's subjects as by the citizens of the said United States.

XVII. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all Collectors and deputies whatsoever to seize and secure any vessel, boat, raft or carriage, goods, wares or merchandize which shall be liable to seizure by virtue of this Act, as well without as within their respective Districts, within this Province, and all goods, wares and merchandize which shall be seized by virtue of this Act, shall remain in the custody of the person seizing the same, until such proceedings shall be had, as by law are required

required, to ascertain whether the same have been forfeited or not : and all penalties and forfeitures enacted by this Act, shall be recovered and declared in His Majesty's Court of King's Bench in this Province, in the same manner and form, and upon the same evidence and by the same rules and regulations, as any penalties and forfeitures incurred for any offences against the laws relating to the customs and trade of His Majesty's Colonies in America, may now be recovered and declared forfeited in such Courts respectively. And in all cases of condemnation or of penalties and forfeiture incurred by virtue of this Act, after deducting the charges of prosecution from the gross produce thereof, the remainder shall be divided as follows, one half to His Majesty and the other half to the person seizing the same.

Method of recovering penalties and forfeitures.

Division of the penalties and forfeitures.

XVIII. *And be it further enacted by the authority aforesaid,* That all vessels, boats, rafts or carriages which shall be seized in pursuance and by virtue of this Act, or of any Act or Acts of the Parliament of Great Britain, and which shall be condemned in His Majesty's Court of King's Bench, shall be sold by Public Auction to the best bidder by the Collector or deputy of the port or harbour where the same shall be seized, and at the place where such vessels, boats, rafts or carriages shall be seized.

Mode of sale of all vessels, boats, &c. seized and condemned.

XIX. *And be it enacted by the authority aforesaid,* That if any Collector or deputy, or other person executing or aiding in the seizure of any vessel, boat, raft or carriage, cattle, horse or horses, harness, tackle, apparel or furniture, goods, wares or merchandize, or other thing whatsoever, shall be sued or prosecuted for any thing done in virtue of the powers of this Act ; or by virtue of a warrant granted by any Justice of the Peace, pursuant to law, such officer or other person may plead the general issue and give this Act and the special matter in evidence ; and if in such suit the plaintiff shall be nonsuited or judgment pass against him, the defendant shall recover double costs, and in case any Information shall be commenced and brought to trial on account of seizure of any vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares, merchandize or other things whatsoever as forfeited by this Act, wherein a judgment shall be given for the claimant, and it shall appear to the Court before whom the same shall be tried, that there was a probable cause of seizure, the Court shall certify on the record that there was a probable cause for seizing the same, and in such case the defendant shall not be entitled to any costs whatsoever, nor shall the persons who seized be liable to any action or prosecution on account of such seizure : And in case any action or prosecution shall be commenced and brought to trial against any person whatsoever on account of the seizing any such vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares or merchandize or other thing, where no information shall be commenced or brought to trial to condemn the same, and a judgment shall be given upon such action or prosecution against the defendant or defendants, if the Court, before whom such action or prosecution may be brought, shall certify in like manner as aforesaid, that there was a probable cause for such seizure, then the plaintiff, besides the vessel, boat, raft, or carriage, cattle, horse or horses, harness, tackle, apparel, furniture, goods, wares, merchandize, or other thing or things so seized, or the value thereof, shall not be entitled to above one shilling damages,

Provisions in case of actions or prosecution for things done under this Act.

When seizures to be advertised for sale.

images, nor to any costs of suit, nor shall the defendant in any such action or prosecution be fined above one shilling ; *Provided always, and be it enacted by the authority aforesaid,* That all and every such goods, wares or merchandize, vessel, boat, raft or carriage, horse or horses, cattle, harness, tackle, apparel or furniture, which shall be so seized and condemned, shall be advertised for sale on a day certain, not less than fifteen days after such condemnation.

Table of fees to be affixed in the Collector's office.

XX. *And be it further enacted by the authority aforesaid,* That the Collectors and deputies of the said ports and harbours, shall cause to be affixed and kept in some public and conspicuous place in their offices, a fair table of the fees to be taken and received by the said Collectors and deputies, which fees shall be as follows :—

For every report of the arrival of and permit to unload any vessel, boat or batteau, under five tons burthen—One shilling and three pence.

Ditto of any vessel, &c. of five tons or upwards, and not exceeding fifty tons—Two shillings and six pence.

Ditto of any vessel, &c. exceeding fifty tons—Ten shillings.

Ditto of any waggon, cart, sleigh, or other carriage—Four pence.

For every entry of goods imported by water communication—One shilling and three pence.

For ditto ditto by any waggon, cart, sleigh, or other conveyance—Six pence.

For every certificate of goods having paid duty and protection—Six pence.

For every bond for payment of duties—Two shillings and six pence.

Penalties for taking more than legal fees.

XXI. *And be it further enacted by the authority aforesaid,* That if any Collector or deputy at any port or harbour, shall demand or receive any greater or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit and pay the sum of fifty pounds for each offence, recoverable in His Majesty's Court of King's Bench, to the use of the party grieved.

Names of the places where Collectors are to be appointed, and their respective Districts.

(See 43d Geo. III. c. 2.)

XXII. *And be it further enacted by the authority aforesaid,* That the Collectors and their precincts shall be as follows :

A Collector at Cornwall, for the Eastern District.

At Johnstown, for the District of Johnstown.

At Kingston, for the Midland District.

At Newcastle, for the Counties of Northumberland and Durham.

At York, for the remainder of the Home District.

At Niagara for the first, second and third Ridings of the County of Lincoln.

At Fort Erie, for the remainder of the District of Niagara, and County of Haldimand.

At Turkey Point, for the District of London.

At Sandwich, for the Western District.

C H A P. VI.

An Act to remove doubts with respect to the authority under which the COURTS of GENERAL QUARTER SESSIONS of the PEACE and other Courts have been erected and holden, and other matters relating to the ADMINISTRATION of JUSTICE done in the several Districts of this Province, and also to fix the times of holding the COURTS of GENERAL QUARTER SESSIONS of the PEACE in and for the same.

[9th July, 1801.]

WHEREAS doubts have arisen with respect to the authority under which the Courts of General Quarter Sessions of the Peace, the District Courts, the Surrogate Courts and the Courts of Requests, have been erected and are now holden in the several Districts of this Province, and also the authority under which Commissions of the Peace, Commissions of Assize and Nisi Prius, Commissions of Oyer and Terminer, Commissions to Sheriffs and other persons concerned in the administration of Justice, have been issued in and for the said Districts respectively, for removal of such doubts, Be it declared and enacted, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, And it is hereby declared and enacted, that the authority under which the said Courts and Commissions have been erected, holden and issued, and also all matters and things done by or by virtue of the same are so far as relates to the authority under which the same have been so erected, holden, issued and done, good and valid to all intents and purposes whatsoever, and that the provisions of all the Acts of the Legislature of this Province respecting the said Courts and Commissions, or any of them, are hereby declared to extend and be in force (except as herein after mentioned) in each and every the said Districts respectively.

Preamble.

Confirmation of courts, commissions, &c.

II. *And be it further enacted by the authority aforesaid,* That the Courts of General Quarter Sessions of the Peace in and for the Western District, the District of Niagara, and the Home District respectively, shall be holden in the towns of Sandwich, Niagara and York, on the second Tuesday in the months of January, April, July and October.

Times of holding Qr. Sessions.

And that the said Courts of General Quarter Sessions of the Peace in and for the District of London, shall be holden in the town of Charlotteville (a) on the second Tuesday in the month of March, June, September and December. (b)

(a) See 55th Geo. III. c. 10, s. 1.
(b) See 55th Geo. III. c. 1.

And that the said Courts of General Quarter Sessions of the Peace in and for the Midland District, shall be holden in the town of Adolphus-Town on the fourth Tuesday in the month of January, and on the second Tuesday in the month of July, and in the town of Kingston on the fourth Tuesday in the month of April, and on the second Tuesday in the month of October.

And that the Courts of General Quarter Sessions of the Peace in and for the

the District of Johnstown shall be holden in the town of Johnstown on the third Tuesday in the months of February and May, and on the second Tuesday in the months of August and November.

And that the Courts of General Quarter Sessions of the Peace in and for the Eastern District, shall be holden in the town of Cornwall on the fourth Tuesday of the months of January and April, and on the second Tuesday of the months of July and October.

III. *And be it further enacted by the authority aforesaid,* That the duties which are required by law to be done and executed by any person or persons, at or before the April Sessions, shall be done and executed at or before the June Sessions, in the District of London, and at or before the May Sessions in the District of Johnstown.

Provision respecting
the Districts of Lon-
don and Johnstown.
(See 33d Geo. III. c
36—56th, c 4—55th c 9.)

C H A P. VII.

An Act to authorise the Governor, Lieutenant Governor, or Person Administering the Government, to appoint INSPECTORS of FLOUR, POT and PEARL ASHES within this Province.

[9th July, 1801.]

Preamble.

WHEREAS it would be for the mutual advantage of buyers and sellers of Flour, Pot and Pearl Ashes, and tend to establish the credit of those articles in foreign markets, if means were adopted for the ascertaining the Quality of those articles when offered for sale within this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act it shall and may be lawful for the Governor, Lieutenant Governor, or Person Administering the Government for the time being, to appoint one or more persons in every District of this Province, at such place or places as he shall deem proper, as Inspector or Inspectors, of Flour, Pot and Pearl Ashes, and the said Inspector or Inspectors, before he or they shall enter upon the execution of such office, shall take the following oath:

Appointment in every District of Inspectors of flour, pot and pearl ashes.

Oath to be taken by Inspectors.

II. *I do sincerely swear, that I will faithfully and impartially, and according to the best of my skill and understanding, execute the office and duty of an Inspector or Examiner of Flour, or Pot and Pearl Ashes, (as the case may be) according to the true intent and meaning of an Act of this Province, intituled, "An Act to authorize the Governor, Lieutenant Governor, or person administering the Government, to appoint Inspectors of Flour, Pot and Pearl Ashes, within this Province."*—So help me God.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, having Flour, Pot or Pearl Ashes for sale, to call upon the Inspector to examine the same, who is hereby authorised and required to examine such Flour, by boring the head of the cask, and piercing through the Flour, with the usual instrument, in order to prove whether it be honestly and truly packed, and to judge of its quality; and the said Inspector shall declare the quality of the same, by marking it as superfine, fine, or middling, and if unsound or soured, he shall also mark the same on the head of each cask; and in the case of Pot and Pearl Ashes, the Inspector is hereby authorised and required to unpack the cask or casks in which it is contained, and to repack the same, and he shall declare the quality thereof, by marking each cask as first, second or third sort, or merely salts, as the case may be.

Method of examining flour, pot and pearl ashes, and marking the casks in which they are contained.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Inspector to ask and receive of and from the person calling upon him to search and examine Flour, Pot and Pearl Ashes as aforesaid, for every barrel of Flour, three pence, and for every cask of Pot and Pearl Ashes, one shilling.

Fees allowed to the Inspectors.

C H A P. VIII.

An Act to prevent the Sale of SPIRITUOUS LIQUORS and STRONG WATERS in the Tract occupied by the Moravian Indians on the River Thames, in the Western District.

[9th July, 1801.]

WHEREAS it is necessary for the comfort of the Moravian Indians, inhabiting that certain tract of land on each side of the River Thames, called the Township of Orford, and for the better regulation of the said Indians, that no Rum, or Spirituous Liquors, shall be sold within that Township; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall not be lawful for any person or persons whatsoever, to sell or barter any Rum, Brandy, Whiskey, or other Spirituous Liquors, or Strong Waters, within the said tract, so occupied by the said Indians.

Preamble.

No person to sell or barter rum, &c. within the tract occupied by the Moravian Indians.

II. *And be it further enacted by the authority aforesaid,* That if any person shall be convicted of selling, or bartering any Rum, Brandy, Whiskey, or other Spirituous Liquors, or Strong Waters, within the aforesaid tract, he shall

Penalty.
(See 40th Geo. III. c. 4.)

shall be convicted after the same manner, and be subject to the same pains penalties, and fines as persons selling Spirituous Liquors without licence are now convicted and fined according to law.

C H A P. IX.

An Act the better to adapt the Establishment of the COURT of KING'S BENCH, to the present situation of this Province.

[9th July, 1801.]

Preamble.

WHEREAS experience has shewn, that under the present circumstances of this Province, the benefits intended to arise to the Administration of Justice, by the establishment of the Court of King's Bench, have not been, and cannot be obtained, unless some expedient be adopted to make the said Court more accessible : For remedy thereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the office which the Clerk of the Crown and Pleas now hath in each District be, and the same is hereby declared to be an office from which all original process may issue, and in which actions may be instituted, and all necessary proceedings had before final judgment, in the same manner as the same may now be done in the principal office of the said Clerk.

Office of the Clerk of the Crown and Pleas in each District.

Mode of proceeding out of the Home District.

II. *And be it further enacted by the authority aforesaid,* That whenever either the plaintiff or defendant in any suit hereafter to be instituted in any District, except the Home District, may think it necessary to produce to the Court the writ, declaration, plea, or any other proceeding which may have been filed in such cause, it shall and may be lawful for the said plaintiff or defendant, to demand and receive from the deputy Clerk of the Crown and Pleas in the District, a copy of such writ, declaration, plea, or other proceeding in the cause, certified by the said Clerk to be a true copy of the original, which copy shall be received by the Court in all cases, in lieu of the original, and as a proof thereof.

III. *And be it further enacted by the authority aforesaid,* That before final judgment, the record of the several proceedings that have been had in the cause, shall be transmitted to the principal office of the said Clerk, and shall remain in his custody.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the said Court, to make such general rules and regulations as to it shall seem expedient and necessary for the carrying the provisions of this Act into effect, according to the true intent and spirit thereof.

Court to make rules and regulations.

V. *Provided nevertheless, and be it further enacted by the authority aforesaid*, That this Act shall not take effect, until the first day of November next.

Commencement of this Act.
(See 34th Geo. III.
c 2—37th c 4—38th c 69)

C H A P. X.

An Act to regulate the STATUTE LABOUR to be done upon the ROADS in the tract occupied by the Huron Indians in the County of Essex, in the Western District.

[9th July, 1801.]

WHEREAS it is necessary that the road which passes through the tract occupied by the Huron Indians, in the County of Essex, should be kept in good repair, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the King's High Road, which leads through the said tract, between the township of Malden and the township of Sandwich, be kept in good and sufficient repair, by the inhabitants of the said townships, that is to say, the southern half of the said road by each and every person living within and inhabiting the township of Malden; and the northern half of the said road, by each and every person living within and inhabiting the township of Sandwich.

Preamble.

Road between Sandwich and Malden.

II. *And be it further enacted by the authority aforesaid*, That the bridge which has been erected over the River aux Canards, shall be, and is hereby directed to be kept in good and sufficient repair, by the inhabitants of the aforesaid townships generally.

Bridge over the river aux Canards.

III. *And be it further enacted by the authority aforesaid*, That if any person as aforesaid, shall refuse to work upon the said road, or towards the repair of the said bridge, after he shall have been warned so to do, according to law; it shall and may be lawful for any one Magistrate to issue his warrant to bring such offender before him, and to inflict such punishment as may now be inflicted upon any defaulter, for neglect or refusal to work upon any other His Majesty's Highways in this Province.

Penalty for refusing to work on the road or bridge.

Labour to be done.
(See 48th Geo. III. c. 12
& 50th c. 1.)

IV. *And be it further enacted by the authority aforesaid, That the Statute Labour herein directed, is not to extend beyond the quota of Statute Labour, as now regulated by law, but is to be a part thereof.*

CHAPTER XI.

An Act to prevent the ACTS of the LEGISLATURE from TAKING EFFECT from a time PRIOR to the passing thereof.

[9th July, 1801.]

Preamble.

WHEREAS every Act of the Legislature of this Province in which the commencement thereof is not directed to be from a specific time, doth commence from the first day of the session in which such Act is passed: And whereas the same is liable to produce great and manifest injustice: For remedy thereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That the Secretary of this Province shall indorse on every Act of the Legislature of this Province which shall pass during the present, and every future Session thereof, immediately after the title of such Act, the day, month and year, when the same shall have passed and received the Royal Assent, and such indorsement shall be taken to be a part of such Act, and to be the date of its commencement, where no other commencement shall be therein provided.

CHAPTER XII.

An Act for granting to His Majesty a certain SUM of MONEY, out of the Provincial Fund, to defray the payment of the SALARIES of the Officers of the Legislative Council and House of Assembly, (including the Commissioners to Lower Canada) and to defray the CONTINGENT EXPENCES thereof; and further to appropriate the SUPPLIES and provide for the payment of the same hereafter.

[9th July, 1802.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WE Your Majesty's most dutiful and loyal Subjects the Commons of Upper Canada in Parliament assembled, to defray the payment of the Salaries of the Officers of the Legislative Council and House of Assembly

bly, and for defraying the contingent expences thereof, as well as to defray the payment of the Commissioners to Lower Canada, have resolved to give and grant unto Your Majesty, out of the rates and duties already raised, levied and collected, and hereafter to be raised, levied or collected, the sum hereafter mentioned, and do most humbly beseech Your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the purposes of paying the Salaries of the Officers of the Legislative Council and House of Assembly, and for defraying the contingent expences thereof, and to and for the uses of this Province, there be granted to His Majesty, the sum of Two Thousand Two Hundred and Fifty-five Pounds Five Shillings, to be issued out of the Provincial Fund in the Receiver General's hands to the uses hereafter expressed, and defray the following expences, that is to say,

Appropriation of
Provincial Funds,

For Services rendered previous to the present Session of Parliament £1105 5s.

For the Services of the present Session, as follows :

The Clerk of the Legislative Council, one hundred and twenty-five pounds.

The Usher of the Black Rod, fifty pounds.

The Master in Chancery attending the Legislative Council, fifty pounds.

(See 56th Geo. III.
c 27.)

The Chaplain of the Legislative Council, fifty pounds.

The Door Keeper of the Legislative Council, twenty pounds.

The Speaker of the House of Assembly, two hundred pounds.

The Clerk of the House of Assembly, one hundred and twenty-five pounds.

The Serjeant at Arms, fifty pounds.

The Chaplain of the House of Assembly, fifty pounds.

The Door Keeper of the House of Assembly, twenty pounds.

The Copying Clerks, a sum not exceeding fifty pounds.

For Printing the Acts and Journals of the present Session, a sum not exceeding three hundred pounds.

For Furniture for the House of Assembly, and other contingent expences, pursuant to an Address, sixty pounds.

Future application.

Two thousand two hundred and fifty five pounds five shillings.

II. *And be it further enacted*, That there be granted annually to His Majesty, out of the rates and duties aforesaid, to be issued out of the Provincial Treasury from such Monies as may from time to time come into the Receiver General's hands, the sum of One thousand and ninety pounds, to and for the uses hereafter expressed; and to defray the following expences, that is to say, seven hundred and forty pounds for the payment of the Salaries of the Officers of the Legislative Council and House of Assembly, as recited

Application of Assess-
ments and Rates.

(See 32^d Geo. III.
c 8 & 33^d c 3)

VI. *And be it further enacted by the authority aforesaid*, That the Assessments and Rates levied, or to be levied for this current year of our Lord one thousand eight hundred and two, within the said District of Newcastle, shall be applied and expended for the like purposes within that District as they now are, or may be applied and expended under and by virtue of any Act or Acts of Parliament made or to be made in the other Districts of this Province.

C H A P. III.

An Act to declare and ascertain the RATES which the RECEIVER GENERAL shall take and retain to his OWN USE, out of the Monies passing through his Hands, which are subject to the disposition of the Parliament of this Province.

[7th July, 1802.]

MOST GRACIOUS SOVEREIGN,

Preamble,

WHEREAS doubts have arisen respecting the Rates, which by law the Receiver General is allowed to take and retain to and for his own use and benefit, out of the monies at the disposition of the Parliament of this Province, passing through his hands; And whereas it is expedient that such doubts should be removed, We therefore Your Majesty's dutiful and loyal Subjects the Commons of Upper-Canada, in Parliament assembled, do most humbly beseech Your Majesty that it may be declared and enacted, and be it declared and enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That out of all and every the sum and sums of money at the disposition of the Parliament of this Province, which at any time or times heretofore have been received, paid out and accounted for by His Majesty's Receiver General, or at any time or times hereafter shall or may be received, paid out and accounted for by His Majesty's said Receiver General for the time being, it shall and may be lawful to and for him the said Receiver General to take and retain to and for his own use, benefit and emolument, the following Rates and Allowances, that is to say, for every hundred pounds of such monies as aforesaid, collected within this Province, and by him the said Receiver General received, paid out and accounted for as aforesaid, three pounds, and so in proportion for any greater or lesser sum or sums of such monies, and no more; and for every hundred pounds of such monies as aforesaid, answered by and issuing out of the Province of Lower-Canada, in lieu of, and as a compensation for such drawbacks as this Province is entitled to claim and have for certain duties imposed by certain Acts of

Poundage to the
Receiver General.

of the Parliament of that Province upon goods, wares and merchandizes coming into this Province, three pounds and ten shillings, and so in proportion for any greater or lesser sum or sums of such monies as aforesaid, and no more.

II. *Provided always, and be it further declared and enacted by the authority aforesaid*, That nothing herein contained shall extend or be construed to extend to enable the said Receiver General under any other appellation, title, pretence or colour whatsoever, to take or retain to his own use, benefit or emolument, any additional or other rate or rates, allowance or allowances, out of the monies and for the services herein before mentioned, other than such as herein before are specified, mentioned and contained, any law, usage or custom to the contrary in any wise notwithstanding.

The Receiver General not to take any additional allowance.

C H A P. IV.

An Act to enable the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint one or more additional PORT or PORTS, PLACE or PLACES of ENTRY within this Province, and to appoint one or more COLLECTOR or COLLECTORS at the same respectively.

[7th July, 1802.]

WHEREAS it is expedient that further provision be made for the better collecting and for prevention of the evading of the payment of certain duties imposed on goods and merchandize brought into this Province from the United States of America, under and by virtue of a certain Act of Parliament passed in the forty-first year of His Majesty's Reign, intituled, "An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on goods and merchandize brought into this Province from the United States of America, as are now paid on goods and merchandize imported from Great Britain and other places;" Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of the said Province, by and with the advice and consent of the Executive Council thereof, from time to time as occasion shall require, and as to him shall seem meet, to declare and appoint by Proclamation or otherwise, one or more additional Port or Ports of Entry and Clearance, Place or Places (other than Ports) of Entry and Clearance for all goods and merchandize not being entirely prohibited, and for the payment of all duties liable to be paid on

Preamble.

(See 41st Geo III. c. 8.)

Governor, &c. in Council to declare additional Ports of Entry.

on all goods and merchandize brought into this Province from the United States of America, imposed and established by virtue of the above mentioned Act of Parliament, passed in the forty-first year of His Majesty's Reign, and according to the directions of the same, and that it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, under his hand and seal at arms, to nominate and appoint one or more Collector or Collectors at the said additional Ports of Entry and Clearance, and at the Place or Places (other than ports) of Entry and Clearance, in like manner as he is now by law authorised to nominate and appoint one or more Collector or Collectors at the respective Ports of Entry and Clearance particularly specified in the said last mentioned Act.

Governor, &c. to appoint Collectors.

Collectors so appointed to have the same powers, &c. as other Collectors.

II. *And be it further enacted by the authority aforesaid*, That all and every the powers, directions, rules, emoluments, clauses, matters and things which in and by the said Act passed in the forty-first year of His Majesty's Reign, were enacted, provided and established, respecting the Collector or Collectors at the respective Ports of Entry and Clearance therein mentioned, shall be, and are hereby extended to such Collector or Collectors as shall be nominated and appointed in manner as aforesaid by the Governor, Lieutenant Governor, or Person administering the Government of this Province, at the said additional Port or Ports of Entry and Clearance, or Place or Places, other than Ports of Entry and Clearance, under and by virtue of this Act.

III. *And be it further enacted by the authority aforesaid*, That this Act shall be and continue to be in force for three years, and no longer.

£834 : 0 : 8. granted to defray the Contingent Expenses of the preceding Session.

An Act for applying a Certain SUM of MONEY therein mentioned, to make good certain Monies issued and advanced by His Majesty through the Lieutenant Governor, in pursuance of two several Addresses of the Commons House of Assembly.

[Temporary.]

STATUTES
OF
UPPER-CANADA,

PASSED IN THE FOURTH SESSION OF THE THIRD PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE TWENTY-FOURTH DAY OF JANUARY, AND PROROGUED ON THE FIFTH
DAY OF MARCH FOLLOWING, IN THE FORTY-THIRD YEAR
OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR;

ANNO DOMINI 1803.

C H A P. I.

An Act to allow Time for the Sale of LANDS and TENEMENTS by the Sheriff.

[5th March, 1803.]

Preamble.

WHEREAS it is expedient, in the present circumstances of this Province, that some time should elapse, after the issuing of Process of Execution against Lands and Tenements, before the Sheriff proceeds to expose the same to sale; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the end of this present Session of Parliament, Goods and Chattels, Lands and Tenements, shall not be included in the same writ of Execution, nor shall

any such Process issue against the Lands and Tenements until the return of the Process against the Goods and Chattels.

II. *And be it further enacted by the authority aforesaid*, That the Writ against the Lands and Tenements shall not be made returnable in less than twelve months from the teste thereof, nor shall the Sheriff expose the same to sale, within less than twelve months from the day on which the Writ shall have been delivered to him.

(See 34th Geo III. c 2, & 49th c 4, s 5.)

C H A P. II.

An Act to Explain and Amend an Act, passed in the Forty-first year of His Majesty's Reign, intituled, "*An Act for granting to His Majesty, his Heirs and Successors, to and for the use of this Province, the like DUTIES on Goods and Merchandize brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain and other places, and to provide more effectually for the COLLECTION and PAYMENT of DUTIES on Goods and Merchandize coming from the United States of America into this Province,*" and also to establish a FUND for the erection and repairing of LIGHT HOUSES.

(41st Geo. III. c 5.)

[5th March, 1803.]

Preamble.

WHEREAS the Laws at present in force, for the securing the due Collection and Payment of the Duties on Goods, Wares and Merchandize brought into this Province from the United States of America, have been found inadequate to the purposes for which they were intended, it is therefore become expedient to amend such laws, and to provide additional remedies, and security against the evasion of such Duties ; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province,"* and by the authority of the same, That from and after the passing of this Act, whenever any ship or vessel, from whatever port or place she may have sailed, containing Goods, Wares or Merchandize, shall arrive at any port or ports of entry or clearance in this Province, the cargo or load whereof is intended to pass by such port or ports without breaking bulk there, in order to pass to some other port or ports of entry in this Province, and there to break bulk ; or, in order to pass through the Province; without breaking bulk, into some part or parts of the United States, the Master, or other person having the charge or command of such ship or vessel, or the Agent or Agents, for the proprietor or proprietors of such cargo or load, or the consignee or consignees thereof, shall forthwith, upon arrival at any port or ports of entry or clearance as aforesaid, make a report and declaration thereof to the Collector or his deputy, station-

The Master, or other person having the command, or the Agent for the Proprietor, or the Consignee to report.

ed

ed at such port or ports of entry, which report and declaration shall state the particulars specified and directed to be contained in the report and declaration which Masters and Commanders are required to make, by an Act passed in the forty-first year of His Majesty's Reign, intituled, "An Act for granting to His Majesty, his Heirs and Successors, to and for the uses of this Province, the like Duties on Goods and Merchandizes brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from Great Britain and other places," and which report and declaration, shall be verified upon oath or affirmation, in like manner and under the like pains and penalties, as in and by the said Act of this Province is directed; and in case such Master or Commander shall not intend to break bulk within this Province, then such declaration shall so state, and shall also state to what place in the said United States it is intended that such cargo or load shall be transported or conveyed, and in cases in which it is intended that such cargo or load shall pass to some other port or ports of entry and clearance in this Province, and then break bulk, such declaration shall state the particular port or ports, place or places of entry or clearance at which it is intended such bulk shall be broken; and as well in those cases, in which it shall be declared, it is intended to break bulk at some other port or ports of entry and clearance in this Province, as in cases in which such declaration shall state that it is intended to pass into, and transport and convey such cargo and load into some part or parts of the United States, without breaking bulk in this Province, the said Master or Commander, or the Agent or Agents of the Proprietor or Proprietors of such cargo or loads, or the Consignee or Consignees thereof, shall, and he and they is and are hereby required to enter into Bond, in a penalty of double the amount of the Duties with which such cargo or load would, if for consumption in this Province, be charged or chargeable, which Bond shall be conditioned not to break bulk, or suffer bulk to be broken, till the arrival of the ship or vessel, at the port or place at which such declaration shall state that such bulk is intended to be broken, and conditioned also for producing the permit hereinafter mentioned, at every port of entry or clearance at which she shall arrive, or through which she shall pass, till she shall arrive at her ultimate port or place of destination.

What the declaration shall contain.

In what cases Bonds shall be entered into.

Condition of Bond.

Permit to be granted.

11. *And be it further enacted by the authority aforesaid,* That after such Bonds shall have been so given as aforesaid, it shall and may be lawful to and for the said Collector or his Deputy, who has taken such Bond, to give and grant to the Master, Owner, or Commander of such vessel, boat, raft, or carriage, a Permit to proceed upon his voyage, by virtue of which such Master, Owner or Commander, shall and may, and he is hereby authorized to prosecute his voyage with the said cargo and loading, and to pass unmolested to the next Port or place of Entry or Clearance, where he shall be entitled, in case the condition of the said Bond shall not have been broken, and his voyage shall not be completed, upon presentation of such Permit as shall have been obtained under the authority herein before specified, to demand and receive another Permit, and in like manner shall continue to apply for and receive Permits at every place or Port of Entry or Clearance, till he shall arrive at his ultimate destination, any thing in the said recited Act of this Province, or any other law or usage to the contrary notwithstanding. But

In what cases Goods, &c. to be forfeited.

To what vessels the restrictions of this Act shall not extend.

in case any Master, Owner or Commander shall, after having given such Bond as aforesaid, land or attempt to land, or cause or permit to be landed, any such goods, wares or merchandize as aforesaid, before the arrival of the vessel, boat, raft or other carriage, at the Port or place of Entry and Clearance stated or mentioned in the said declaration, to be given under the direction of the said recited Act of this Province and this Act, then, and in such case, the said goods, wares and merchandize shall be liable to seizure and condemnation, in like manner as if no Entry had ever been thereof made, by the Master, Owner or Commander of the vessel, boat, raft or other carriage containing the same: *Provided always nevertheless*, that nothing herein contained shall extend or be construed to extend to prevent or hinder any Master, Owner or Commander of any vessel, boat, raft or other carriage, from breaking bulk at any port or place of entry or clearance, at which he may arrive, or from landing or unloading part of his cargo, and proceeding further with the remaining part thereof, provided such Master, Owner or Commander shall first pay or secure to be paid in manner by this Act and the said recited Act of this Province required, the duties on such part of such cargo so to be landed, and procure or obtain the necessary Permit and Certificate for landing or permitting the same to be landed, from the Collector of the said port or place of entry or clearance, or his Deputy, and provided the said Master, Owner or Commander, shall in all respects comply with, and act in conformity with the requisitions of the said recited Act of this Province and this Act. *Provided also nevertheless*, That the words ship or vessel herein before contained, shall not be construed to extend to any batteau, boat, raft or other craft or carriage, employed for the transport of any goods or merchandize from Lower Canada to this Province, or which shall be only employed in the inland trade of the country and shall not have arrived from the United States of America, nor shall this Act extend to compel or oblige the Master, Commander or Owner of any ship or vessel bound from any port or place in this Province to Queenston direct, to make any such report or declaration as aforesaid, at the port of Niagara, unless such ship or vessel shall cast anchor at the said port of Niagara, and remain there at anchor for the space of two hours, or attempt to land any part of her cargo, or break bulk there. *And provided also*, That whenever any ship or vessel passing the port of Niagara on her way to Queenston, shall come to an anchor in the intermediate distance between the said ports she shall not unlade or break bulk, until the Master or Commander of such ship or vessel shall have reported as aforesaid, to the Collector of the port or place of entry then nearest to where such ship or vessel shall then be.

Vessels bound to Queenston direct, not to report at Niagara, unless, &c.

Periods at which accounts are to be rendered.

III. *And be it further enacted by the authority aforesaid*, That each and every Collector to be appointed under the authority of the said recited Act of this Province, or any other Act now in force in this Province, or to be appointed under any other Act hereafter to be passed, shall, and he is hereby required, from and after the passing of this Act, to render to the Inspector General of this Province, four times in every year, a just, true and faithful account of all duties which have accrued due at the port or place, ports or places of entry and clearance, at which such Collector or his Deputy, or Deputies shall be stationed, the first of which accounts shall be delivered in immediately after the passing of this Act, and shall comprise all duties which shall

shall have accrued due since the last account rendered up to the thirty-first day of December, now last past inclusive, and the next account shall be delivered in, on or before the twentieth day of May next, and shall comprise all duties which shall have accrued due between the first day of January and the thirty-first day of March in this present year, both days inclusive, and so shall continue on or before the expiration of forty days next after every succeeding three months, to render a like account to the said Inspector General, which accounts shall severally comprise a faithful statement of all Duties paid or secured, or which shall have accrued due within the periods following (that is to say) between the first day of January and the last day of March, the first day of April and the last day of June, the first day of July and the last day of September, and the first day of October and the last day of December, and that the first and last days in each of such several periods of three months, shall be included in such several accounts, and immediately after such accounts shall have been so respectively rendered, passed and approved by the said Inspector General, such Collector shall, and he is hereby required to pay the full amount of all the Duties which shall be stated in such accounts to have come to his hands, to His Majesty's Receiver General of this Province for the time being, and in case the said Collector shall neglect or refuse to render his said accounts, or to pay in such Duties, in manner herein before required, such Collector so neglecting or refusing, shall not be at liberty to retain any part of the per centage allowed to the said Collector, in and by the said recited Act of this Province, but shall, and he is hereby required to pay in the full amount of all the Duties by him received, or to be received for the three months, for which such Collector shall neglect or refuse to render such account, or pay in such monies as hereby required, without any deduction on account of such per centage, or on any other account whatsoever, any thing in the said recited Act of this Province, or this Act, or any other Act, law or usage to the contrary notwithstanding.

If accounts not rendered within specified periods, no per centage to be deducted.

IV. *And be it further enacted by the authority aforesaid,* That in all cases in which the Duties by the said recited Act of this Province imposed, shall exceed in amount the sum of twenty pounds, the said Collector shall and may (if required) and he is hereby authorised, in case he shall deem it meet so to do, to accept and take of and from any master, commander, or owner of any vessel, boat, raft, or carriage, in which shall be contained any goods, wares, or merchandize, which by law are dutiable, a Bond, with one or more surety or sureties, as such Collector or his deputy shall judge necessary, due regard being had, and a sound discretion used, as to the amount of the Duties so to be secured, which Bond so to be given, may be in the form hereunto subjoined, and shall be taken in double the amount of the Duties intended to be thereby secured, and shall be conditioned for the payment of the full amount of the said Duties, at or before the expiration of one month from the time of the arrival of any such vessel, boat, raft, or carriage in the port or place of entry and clearance where she shall break bulk, and where she shall fully or in part discharge and land her cargo or loading; which Bonds so to be taken as aforesaid, or such of them as shall not have been paid and satisfied at the time of delivering in such three month's accounts as aforesaid, the said Collector, and each and every of them, is and are hereby

Where Duties shall exceed 20*l*. Bond may be taken.

required to insert in, and make part of the then next three month's account, as so much of the Duties which have accrued since the previous account rendered and remaining unpaid upon such security as aforesaid.

Governor, with the advice of the Executive Council, to erect Custom-Houses, &c.

V. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government of this Province, at any time when it shall be found necessary, by and with the advice and consent of the Executive Council thereof, to expend at each, every, or any of the port or ports, place or places of entry and clearance within this Province, such reasonable sum or sums of money out of the proceeds of the Duties collected, or to be collected, under the authority of the said recited Act of this Province, or any other Act of the Province, or any future Acts to be passed for the purpose of laying Duties on imported goods and merchandize, as shall be deemed sufficient for the purpose of erecting Custom Houses and Store Houses, for the storing the goods, wares and merchandize liable to pay such Duties as aforesaid, and for the accommodation of the Collector or Deputy at such port or ports, place or places of entry and clearance, and for the transacting of all business relative to the collecting and securing the due payment of such Duties : *Provided nevertheless*, That the sums to be expended in any one year on the erection and repairing of Custom Houses and Stores, shall in no one year exceed one-fourth of the amount of the preceding year's collection of the said Duties within this Province.

Cases of seizure under 20l. to be determined in a summary way in Quarter Sessions.

VI. *And be it further enacted by the authority aforesaid*, That in all cases of seizure, under any Act of this Province, when the value of the goods seized shall not exceed twenty pounds, (of which value the said Collector or his deputy is to form a judgment, according to the best of his ability, and to depose to the same on oath, before the Magistrate granting the summons hereinafter mentioned) the seizure shall and may, in a summary way, be proceeded upon, and be examined into, heard, adjudged and determined by the Magistrates in Quarter Sessions assembled, in order whereto, it shall and may be lawful to and for any one of His Majesty's Justices of the Peace within the District, where any such seizure as last mentioned shall be made, to cause the master, commander or owner of any vessel, boat, raft, or other carriage, or the person reputed or appearing to be such master, commander or owner, whose goods, wares or merchandize shall be so seized as last aforesaid, to be summoned and appear at the next General Quarter Sessions of the Peace, to be holden in and for such District, next after such seizure ; And the Magistrates in such Quarter Sessions assembled, are hereby fully authorized, empowered and required, upon the appearance or default of such person or persons so to be summoned, to examine into the cause of such seizure or seizures, and thereupon to proceed to give judgment for the condemnation of such goods, wares or merchandize, as upon due examination, shall be found to be forfeited, by virtue of the said recited Act of this Province, or this Act, together with the vessel, boat, raft, or other carriage containing the same, and to issue out a warrant or warrants for the sale of such goods, wares and merchandize so to be condemned as last aforesaid, and of the vessels, boats, rafts, and other craft or carriages containing the same, and such sales shall be made accordingly, and all such judgments shall be, and are

are hereby declared to be good, valid and effectual in the law, and final to all intents and purposes whatsoever, and not liable to any appeal, or to be removed by any writ or writs of certiorari; and the monies arising from such sales, shall be applied in such and the same manner as are directed with respect to monies arising from seizures, under the said recited Act of this Province, any law, statute, or provision to the contrary thereof in any wise notwithstanding. *Provided nevertheless*, That if any master, owner or commander shall be dissatisfied with the valuation put upon any goods, wares or merchandize so to be seized as last aforesaid, or shall be minded or desirous that the merits of such seizure shall be tried and determined in His Majesty's Court of King's Bench, and will, previous to the Magistrates proceeding thereon, enter into a Bond, with a sufficient surety, before the said Magistrate, in the penalty of sixty pounds, conditioned for the payment of all costs, charges and expences attending the condemnation of such goods, wares and merchandize last mentioned, in His Majesty's said Court of King's Bench, in case such condemnation shall in such last mentioned Court be pronounced; then the said Magistrates in Quarter Sessions assembled, shall not proceed to hear or decide on the legality of such seizure, but such seizure and the merits thereof shall be heard, determined and decided upon in His Majesty's said Court of King's Bench, in like manner and as other seizures above the value of twenty pounds are, by the said recited Act and this Act, directed to be determined. *Provided also*, That in all cases of seizure, where the value of the goods seized shall not exceed the value of fifty pounds, if the master, commander, or owner of the vessel, boat, raft, or other carriage, shall be minded or desirous that the goods, wares and merchandize seized, shall not be detained till the condemnation thereof, or the determination of the merits of the same, and shall so signify to the Collector or his deputy seizing the same, and shall tender to the said Collector or his deputy, a Bond, with sufficient sureties, in the penalty of one hundred pounds, conditioned for the payment of the value of such goods to the said Collector or his deputy; in case the same shall be condemned, then and in such case it shall and may be lawful to and for the said Collector or his deputy, to restore such goods, wares and merchandize, to the master, commander, or owner of the vessel containing the same, without waiting the determination of the merits of the said seizure, any thing herein contained to the contrary notwithstanding. *Provided nevertheless*, That in case any dispute shall arise respecting the value of any such goods, wares and merchandize as last mentioned, and the owner, master, or commander of the vessel containing the same, will produce before a Magistrate, two indifferent and credible witnesses, who will upon oath declare, that according to the best of their judgment, they respectively believe that such goods, wares and merchandize, as last mentioned, are not of above the value of fifty pounds, such declaration shall be final and decisive as to such value; and if any such witness or witnesses shall, in deposing to the value of any such goods, wares and merchandize as last mentioned, wilfully or corruptly swear him, her or themselves, he, she and they, and each of them, shall incur all the pains and penalties which by the Criminal Law of England are attached to wilful and corrupt perjury.

And such determination final;

But owner may, upon giving Bond, have such cases decided in the King's Bench

Goods seized, may in certain cases, be re-delivered to the owner upon security.

Disputes respecting the value of goods, how to be settled.

VII. And whereas it will be necessary and essential to the safety of vessels, boats, rafts and other craft passing from Lake Ontario into the river Niagara and

Light Houses to be erected.

and passing by the Isle called Isle Forest, and likewise into the Port of York, that there should be a Light House erected near to each of the said last mentioned places *Be it therefore enacted by the authority aforesaid*, That in order to provide for the expence of erecting and repairing such Light-Houses, it shall and may be lawful to and for the Collector or his Deputy, at the port to which any vessel, boat, raft or other craft shall arrive next after having passed the said Lake into the said River or the said Island, or which shall come into the port of York, and such Collector or his Deputy is hereby authorized and required to demand and receive of and from the master, commander or owner of each and every such vessel, boat, raft or other craft, the following rates, that is to say, for every vessel, boat, raft or other craft of the burthen of ten tons and upwards, the sum of three pence for every ton of which such vessel, boat, raft or other craft is of burthen, and which burthen is hereby required to be computed by such Collector or his deputy, and the monies by such tonnage rate accruing, when collected, the said Collector is hereby required to pay into the hands of His Majesty's Receiver General of this Province, at the same time he pays the other duties by him collected, and all which said sums of money so to be collected upon the said tonnage, the Governor, Lieutenant Governor, or person administering the Government of this Province, is hereby authorized and empowered by and with the advice and consent of the Executive Council of the Province, to lay out and expend, or cause to be laid out and expended, in the erection and keeping in repair, and other incidental charges attending three Light-Houses, one to be erected and built upon the south-westernmost point of a certain island called Isle Forest, situate about three leagues from the Town of Kingston, in the Midland District; another upon Mississagua Point, at the entrance of the Niagara River, near to the Town of Niagara, and the other upon Gibraltar Point.

Masters, &c. to pay tonnage.

(See 59th Geo. III. c. 16.)

Masters of vessels passing Isle Forest, Mississagua Point, or Gibraltar Point, to insert it in their declaration.

Complaints for want of such declaration, to be heard in a summary way.

VIII. *And be it further enacted by the authority aforesaid*, That in order to ascertain whether any such vessel, boat, raft or other craft has passed the said Island, or the said Mississagua Point, or Gibraltar Point, each and every owner, commander or master of each and every vessel, boat, raft or other craft, who shall pass such Island or Points, or either of them, and arrive at the Ports of Kingston, Niagara or York, is hereby required to insert it in, or add it to the declaration by the said recited Act of this Province and this Act required to be made, that he has so passed the said Island, or Mississagua Point, or Gibraltar Point, and in case such owner, commander or master, shall refuse to pay the tonnage hereby intended to be imposed, the Collector of the said District or his Deputy, is hereby empowered and required to summon such owner, commander or master before any one of His Majesty's Justices of the Peace for the District, where the same shall happen, and such Magistrate is hereby empowered and authorised, in a summary way to hear and determine the complaint to be thereof made by the said Collector or his Deputy, and if the said Justice shall order payment to be made of the said tonnage according to the rates by this Act imposed, and the said owner, commander or master shall not forthwith pay the same to the said Collector or his Deputy, together with the costs and expences of the said proceeding before the said Justice, such Justice is hereby empowered and authorized to issue his warrant to levy such tonnage and costs, by sale of

of any part of the cargo contained in any such last mentioned vessel, boat, raft or other craft, or any of the tackle or apparel thereof, or of any other the goods and chattels of the party or parties complained against, restoring the surplus of such monies arising from such sale, if any such shall be, to such party or parties, after deducting the said tonnage and the said costs, and the charges and expences of sale. *Provided nevertheless*, That no such tonnage shall be payable for any vessel, boat, raft or other craft, which by stress or severity of weather, or other disasterous event, shall be compelled to return into the same harbour whence she last departed, without having perfected her intended voyage. And the said Justice is hereby authorised to charge, demand and take the following fees for hearing and determining the said complaint, and no more; for his summons, two shillings; for judgment, two shillings and six pence; warrant to distrain, five shillings; for the person serving the summons, two shillings; mileage for every mile, four pence; executing warrant of distress and return thereof, five shillings.

IX. *And be it further enacted by the authority aforesaid*, That in case any proceedings shall, after the passing of this Act be had for the condemnation of any goods, wares or merchandize, or for or in respect of any thing done or neglected to be done, contrary to the provisions of the said recited Act of this Province, or this Act, or of any Act or Acts of this Province now passed, or hereafter to be passed, respecting any Duties imposed, or to be imposed, upon goods, wares and merchandize coming into this Province from the said United States, that as well in cases where the goods seized shall be adjudged to be restored, or if condemned, shall be insufficient to pay the costs and expences of the proceedings had respecting the same, as in all other cases, where the proceedings by or against the Collectors or Deputies shall be for or on account of any thing done, or omitted to be done, by such Collector or Deputy, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, and he is hereby empowered and authorised (if he shall see fit so to do) to discharge, satisfy and pay all such costs and expences out of any monies which shall be then in the hands of His Majesty's Receiver General of this Province, and which shall have arisen out of any Duties imposed, or to be imposed, on any goods, wares and merchandize coming from the said United States, and the said Receiver General is hereby required to pay and discharge all such warrant and warrants as shall for such purposes be issued by the said Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being.

How costs of any proceedings are to be paid.

X. *And be it further enacted by the authority aforesaid*, That the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, be, and he is hereby authorised to establish the office of the Collector of the District of Newcastle, in any place within the harbour of Newcastle, which he may judge more convenient than the town of Newcastle, until a Gaol and Court House be erected in the said Town, and no longer. *Provided always*, That nothing herein contained shall extend, or be construed to extend, to repeal or vary all or any of the provisions contained in the said recited Act of this Province, or any other Act of this Province, unless in so far as such provisions are and will be necessarily va-

Office of the Collector for the port of Newcastle, to be within the harbour.

Provisions of former Acts not to be varied, unless, &c.

ried by the provisions in this Act contained, in order to give due force and effect to this Act, and no further. *Provided nevertheless*, That nothing in any part of this Act contained, shall extend, or be construed to extend, to any ship or vessel, boat, raft, canoe or other craft or carriage, now belonging, or which may at any time hereafter belong to our Sovereign Lord the King, his Heirs or Successors ; Any thing herein contained to the contrary notwithstanding.

FORM OF THE BOND HEREIN MENTIONED :

Bond.

K NOW ALL MEN BY THESE PRESENTS, That we A. B. C. D. and E. F. are held and firmly bound to our Sovereign Lord the King, his Heirs and Successors, in the sum of _____ for which payment to be well and faithfully made, we bind ourselves, and each of us by himself, for the whole, our and each and every of our Heirs, Executors and Administrators firmly by these presents, sealed with our Seals, dated the _____ day of _____ in the _____ year of His Majesty's Reign, and in the year of our Lord

(See 56th Geo. III. c. 8—59th c. 16)

The condition of this obligation is such, that if the above bounden A. B. C. D. and E. F. or any or either of them, do and shall well and truly pay or cause to be paid to our said Sovereign Lord the King, his Heirs and Successors, the sum of _____ on or before the _____ day of _____ next, then this Obligation to be void, or else to remain in full force.

C H A P. III.

An Act to authorise the Governor, Lieutenant Governor or Person Administering the Government of this Province, to LICENCE PRACTITIONERS in the LAW.

[5th March, 1803.]

Recital.

WHEREAS great inconvenience has arisen, and is now experienced by His Majesty's subjects in several parts of this Province, from a want of a sufficient number of persons duly authorized to practice the profession of the Law, and unless the number can be speedily increased, justice will in many places be with great difficulty administered ; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, " An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the government of this Province, to authorize by Licence under his hand and seal, such and so many of His Majesty's liege subjects, not exceeding six in the whole, as he from their probity, education and condition in life shall deem fit and proper to practice the profession of the Law in this Province ; and that upon producing

Governor, &c. authorized to licence six persons to practice the profession of the Law.

ducing every such Licence to the Clerk of the Crown and Pleas in this Province, the name of such person so licenced shall be inscribed on the roll of Attornies of the Court of King's Bench, and each and every person whose name shall be so inscribed shall, after having been admitted a member of the Law Society in manner herein after mentioned, be authorized to practice the profession of the Law, as fully to all intents and purposes as any Barrister and Attorney now practices the same in this Province.

II. *Provided always nevertheless*, That before any person shall apply to the Governor, Lieutenant Governor, or Person administering the Government of this Province, for such licence as aforesaid, such person shall apply to the Judges of His Majesty's Court of King's Bench, and shall procure from that Court a certificate, under the hand of the Chief Justice, or in his absence, of the senior Puisne Judge of the said Court, that such Court is satisfied of the ability and fitness of the party so applying to be admitted to practice as a Barrister and Attorney in this Province.

Before any person applies to the Governor, &c. such person shall procure a certificate from the Court of King's bench.

III. *Provided also, and be it further enacted* That from and after the enrollment of any such person or persons under the authority of this Act, he shall offer himself to the Law Society of this Province, and shall offer to subscribe and conform to the existing rules and regulations of the said Society, and such Society is hereby required to admit him a member of the same.

After enrollment of any person under this Act, he is to subscribe the rules of the Law Society, and the society to admit him a member.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for the Secretary of the Governor, Lieutenant Governor, or Person administering the Government of this Province to demand and receive the sum of two pounds, on the delivery of each and every such licence as aforesaid, and for the said Clerk of the Crown and Pleas to demand and receive the sum of thirteen shillings and four pence, for inscribing the name of each and every person so licenced upon the said roll.

Fees to the Governor's Secretary & Clerk of the Crown.

C H A P. IV.

An Act to declare the Rights of Certain GRANTEES of WASTE LANDS of the CROWN.

[5th March, 1803.]

WHEREAS several grants of Waste Lands of the Crown did, previous to the first day of July, in the year of Our Lord one thousand eight hundred, pass the Great Seal of this Province, to two or more persons and their heirs; and whereas it was His Majesty's gracious intention, and also the understanding of the Grantees, that such persons should hold their Lands under such grants as tenants in common; but such grants were erroneously so drawn and issued as to convey to the Grantees estates in joint tenancy; and whereas the rights of many persons may be thereby affected, and the gracious intention of His Majesty frustrated; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the

Recital.

Grants to two or more persons and their heirs to be construed to operate as giving estates in common unless expressed in such grant to be to the use of such grantees as joint tenants.

the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all Grants of the Waste Lands of the Crown, which, previous to the said first day of July, in the year of our Lord one thousand eight hundred, passed the Great Seal of this Province to two or more persons and their heirs, shall, from and after the day of the date of such Grants respectively, be taken and construed in all Courts of Law and Equity, to enure and operate as giving to the several Grantees estates in common, and not in joint tenancy, unless it shall be distinctly expressed or declared in the said grant, that such Lands were to be held by, or to the use of such Grantees as joint tenants, any law to the contrary notwithstanding.

The rights of purchasers, mortgagees, &c. not to be impeached.

II. *Provided always nevertheless, and it is hereby declared,* That nothing herein contained shall extend, or be construed to extend to impeach, or in any manner to affect the rights of any bona fide purchaser, mortgagee, or other incumbrancer, for valuable consideration; provided such purchasers, mortgagees, or other incumbrancers can shew their right, claim, or title to have vested previous to the passing of this Act.

C H A P. V.

An Act to enable MARRIED WOMEN having REAL ESTATE, more conveniently to ALIEN and CONVEY the same.

[5th March, 1803.]

Recital.

WHEREAS by the Laws of England, Married Women can only alien and convey their real estates by fine, or other matter of record, and there being as yet, no express provision made for levying fines in this Province, it has become expedient that some mode of conveyance should be by Law adopted, to enable such Married Women to alien theirsaid real estates, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of April, in this present year one thousand eight hundred and three, it shall and may be lawful to and for any Married Woman having real estate in this Province, and being above the age of twenty-one years, with the knowledge and consent

It shall be lawful for any married woman having real estate, by deed, jointly with her husband, to alien, &c.

sent of, and by any Deed or Deeds jointly with her husband, to alien, depart with, and convey the same to such use and uses as to her and her said husband shall seem meet, which conveyance shall be as valid and effectual in the Law, to all intents and purposes, as if she were sole, any law or usage to the contrary notwithstanding.

II. *Provided nevertheless, and it is hereby declared,* That nothing in such Deed contained, shall have any force or effect to bar such Married Woman, or her said husband, or her heirs, during the continuance of the coverture, or after the dissolution thereof, or shall be held to have any force or effect whatsoever, unless such Married Woman shall appear in open Court, in the Court of King's Bench, or before any Judge thereof at his Chambers, or before a Judge of Assize, at the sittings for the Home District, or on his Circuit, and be examined by the said Court or Judge, touching her consent, and shall freely and voluntarily, and without coercion, give her consent, before such Court or Judge, to alien and depart with such estate, nor unless such examination shall take place within six months from the time of the execution of such Deed of Conveyance as herein before stated.

Such married woman to be examined in open court, touching her consent.

III. *And be it further enacted by the authority aforesaid,* That in case it shall appear to the said Court or Judge, that such Married Woman doth fully and freely consent to depart with, alien and convey her said real estate, without coercion, or fear of coercion on the part of her husband, or any other person, it shall and may be lawful for such Court or Judge, and they are respectively hereby required, to cause a certificate thereof to be endorsed on the Deed so executed by her and her said husband as aforesaid; which certificate shall state the day on which such examination is taken, and shall be signed by the Chief Justice, or in his absence by the senior puisne Judge of the said Court, or by the said Judge before whom the same shall be taken at the said Sittings, or on the Circuit, or at Chambers, for which Certificate the Clerk of the Crown, when the examination shall be taken in term time, shall be entitled to demand and receive the sum of five shillings, and no more, and when taken by a Judge during the Sittings, or upon the Circuit, or at Chambers, the Judge's Marshall shall be entitled to demand and receive the like sum of five shillings, as a fee for such certificate.

The court or judge to cause a certificate of such married woman's consent to be endorsed on the deed.

Fees for such certificate.

IV. *Provided also, and it is hereby further enacted by the authority aforesaid,* That nothing in this Act contained shall be taken or construed to give to such Deeds so executed as aforesaid, so far as relates to the Married Woman or the interests of herself, or those claiming under her, any greater or other force or effect, than the same would have had in case such Married Woman had been sole at the time of executing the same.

Such deeds to have no other force or effect than they would have had in case such married woman had been sole.

C H A P. VI.

An Act for further altering and amending an Act passed in the thirty-third year of His Majesty's Reign, intituled, "*An Act to encourage the DESTROYING of WOLVES and BEARS in different parts of this Province.*"

[*Repealed by 47 Geo. III. c 2.*]

C H A P. VII.

An Act to repeal for a limited time, part of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "*An Act for the REGULATION of JURIES.*"

[*Expired, 16th March, 1808.*]

C H A P. VIII.

An Act to authorize the ATTORNEYS now Practicing, or hereafter to be duly admitted to Practice, to take such number of CLERKS as therein mentioned.

[*See 47th Geo. III. c 5.*]

C H A P. IX.

An Act for the better securing to His Majesty, His Heirs and Successors, the due COLLECTION and RECEIPT of certain DUTIES therein mentioned.

[*5th March, 1803.*]

Preamble.

WHEREAS the regulations and usages which have heretofore been established and hitherto observed in the issuing of Licences to persons to sell by Retail, Wine and Spirituous Liquors, or to use and employ Stills for the Distillation of Spirituous Liquors, have been found dilatory and circuitous, and thereby injurious to His Majesty's revenue arising therefrom, for remedy thereof, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making* more

more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the fifth day of April now next ensuing, such parts and so much of five several Acts, which heretofore have passed in the Parliament of this Province, that is to say, an Act passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to establish a further fund, for the payment of the Salaries of the Officers of the Legislative Council and the House of Assembly, and for defraying the Contingent expences thereof;" an Act passed in the thirty-fourth year of His Majesty's reign, intituled, "An Act to lay and collect a Duty upon Stills;" an Act passed in the same thirty-fourth year of His Majesty's reign, intituled, "An Act for regulating the manner of Licencing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without Licence;" an Act passed in the thirty-sixth year of His Majesty's reign, intituled, "An Act to amend an Act, intituled, 'An Act for regulating the manner of Licencing Public Houses, and for the more easy convicting of Persons selling Spirituous Liquors without Licence;'" and an Act passed in the thirty-seventh year of His Majesty's reign, intituled, "An Act to increase the revenue, and to compel the accounting more regularly for the same to the Treasurer of the Province," as regard, or in any wise respect the Secretary of the Province, his Agents or Deputies, or any of them, or which authorize the said Secretary, his Agents or Deputies, or any of them, to receive, distribute, or account for any Licence or Licences, issued by the Governor, Lieutenant Governor, or Person Administering the Government for the time being, for the purposes and to the intents in the said several five last recited Acts, or in any of them mentioned and contained, or which require or direct any application or written requisition to be made to the said Secretary, his Deputies or Agents, or any of them, touching, or in any wise concerning any purpose, matter or thing in such Acts, or any of them, contained, shall cease and determine, and shall be, and the same are hereby severally and respectively repealed accordingly.

Repeal of former Acts.

33d Geo. III. c 18
—34 c 11—34 c 12—
30 c 3 4-37 c 11,

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, from time to time, and all times hereafter during the continuance of this Act, to and for the Governor, Lieutenant Governor, or Person Administering the Government in this Province for the time being, by an instrument in writing under his hand and seal, to authorize, commission and appoint, during pleasure, in each and every District in this Province, some fit and discreet person to be Inspector, who shall, in the District for which he shall be so appointed, superintend, collect and account for (as herein after provided) His Majesty's revenue, arising from and by such Licence or Licences, as from and after the said fifth day of April now next ensuing, shall and may at any time or times thereafter, issue to any person or persons within the District in which such person shall be so appointed Inspector to or for any of the purposes, ends or intents in the said last five recited Acts, or in any one of them mentioned or contained, which Inspectors, when so authorized, commissioned and appointed as aforesaid, shall severally, within their respective Districts, have, hold, and possess all and singular the powers and authorities, and shall, and are hereby severally required to exercise, perform and fulfil, all and singular the duties required of or imposed upon the said Secretary

Inspectors to be appointed in each District.

Secretary of the Province, his Deputies or Agents, or any of them, by any of the said last five recited Acts, except so far as such duties are varied, or are otherwise provided for by this Act.

Mode of obtaining
Licences.

III. *And be it further enacted by the authority aforesaid*, That in all cases not otherwise provided for in and by this Act, each and every person desirous of obtaining a Licence or Licences, under the provisions of the said last five recited Acts, or any of them, shall, under the respective restrictions and penalties therein severally specified and contained, and in manner and form therein and thereby respectively directed, make such application, and in and by a written requisition, furnish such specification to the Inspector of the District wherein any such applicant may be desirous of being licenced, as in and by any of the said Acts it is specified, directed and provided to be made or done to the said Secretary, his Agents or Deputies, or any of them.

Inspectors to ascertain persons selling Wine or Spirits without Licence, or using Stills without licence or larger stills than those licenced, and to proceed against offenders.

(See 44th Geo. III. c 7)

IV. *And be it further enacted by the authority aforesaid*, That it shall be the duty of each and every Inspector to be appointed under and by virtue of this Act, in the District in which he shall reside, and each and every of them is hereby required to ascertain by every means in his power, whether there is or are any person or persons in such District, who sell, vend, or barter, directly or indirectly, any Wine or Spirituous Liquors by retail without a Licence, or who shall have in his, her, or their possession any still or stills, used in distilling any Spirituous Liquors, without licence for so doing, or whether any person or persons having received a licence for any still or stills, do make use of any still or stills other than such as shall have been so licenced, or shall use any still or stills of greater capacity than such as shall have been specified by the person or persons using the same to the said Inspector, and if it shall appear to the said Inspector that there is, or are any such person or persons selling any Wine or Spirituous Liquors without licence, by retail, or shall have in his, her or their possession, and shall use any still or stills without licence, or shall use any larger still, or stills than such as shall have been licenced as aforesaid, the said Inspector is hereby authorised and required to proceed against such offender or offenders, in the same manner and form as any complainant is directed in the before recited Acts, or any of them, and such offender or offenders shall be convicted in the same manner and form, and be subject to the same pains and penalties, as directed and imposed by the said before recited Acts, or any of them, and the said penalty and penalties so inflicted or imposed, shall be disposed of and paid in the same manner as directed and required by the said Acts, or any of them.

Inspector of the District to render account to the Inspector General of the Province.

Allowance to the Inspector of the District.

V.—[Repealed by 56th Geo. III. c 3, s 1.]

VI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for each and every Inspector, out of all and every the sum or sums of money which under and by virtue of this Act he shall collect, receive and account for, from any person or persons to be licenced to sell or distil any Spirituous Liquors under and by virtue of the before recited Acts, or any of them, to take and retain, over and above such sum or sums of money as is, or are herein after allowed him, to his own use and benefit,

a sum not exceeding ten pounds for every hundred pounds which he shall so collect, receive and pay, or cause to be paid, into the hands of the Receiver General of the Province, as herein before directed, and so in proportion for every greater or lesser sum.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for, and each and every Inspector who shall be appointed under and by virtue of this Act, is hereby required, before he shall enter upon the execution of his said office, to take and subscribe the following Oath, which Oath shall be taken before any two of His Majesty's Justices of the Peace in and for the District in which such Inspector shall be so appointed, who are hereby authorised and required to administer the same, and to transmit a certificate of such Inspector having taken such Oath before them, to the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being :

Inspector of each District to take

I A. B. do swear on the Holy Evangelists of Almighty God, that I will well and truly execute, do and perform the duty of Inspector of His Majesty's Revenue arising from Shop, Tavern and Still Licences, and will duly and impartially superintend the Collection thereof, according to the best of my skill and knowledge, and in all cases of fraud, or suspicion of fraud, that shall come to my knowledge, I will spare no person from favor or affection, nor will I aggrieve any person from hatred or ill will, and that I will in all cases faithfully do, execute and perform, to the best of my skill and knowledge, all and every the duties imposed upon me by an Act passed in the Provincial Parliament, in the forty-third year of His Majesty's Reign, intituled, "An Act for the better securing to His Majesty, his Heirs and Successors, the due Collection and Receipt of certain Duties therein mentioned."

Oath.

Provided always, and be it further enacted by the authority aforesaid, That no Inspector to be appointed under and by virtue of this Act, shall enter upon the execution of his office, until he shall have given security by two sureties, in two hundred and fifty pounds each, and himself in five hundred pounds, to His Majesty, his Heirs and Successors, for the due performance of his office.

Inspector of the District to give security.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for each and every Inspector to be appointed under and by virtue of this Act, and he is hereby allowed to demand and to take the following Fees :—For filing every requisition for a Still Licence, one shilling and three pence ;—For issuing the Licence, two shillings and six-pence ;—For filing the certificate of the Magistrates and Clerk of the Peace to the person requiring Tavern Licence, one shilling and three-pence ;—For issuing the Licence, two shillings and six-pence ;—For issuing a Shop Licence, two shillings and six-pence. Any thing contained in the said before recited Acts, or any of them, or in any other law, usage or regulation, to the contrary in anywise notwithstanding.

Fees to the District Inspector.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Secretary of the Governor, Lieutenant Governor, or Person

Fees to the Lieutenant Governor's Secretary.

Person Administering the Government of this Province, to demand and take the sum of forty shillings, on delivery of each and every commission granted under and by virtue of this Act.

Continuance of this Act.

(Continued by 46th Geo. III. c 6.

Perpetual by 48th Geo. III. c 8.

See 56th Geo. III. c 3.)

X. And be it further enacted by the authority aforesaid, That this Act shall be and continue to be in force for and during two years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

C H A P. X.

An Act to extend the Provisions of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "*An Act to restrain the custom of permitting HORNE D CATTLE, HORSES, SHEEP and SWINE to run at large.*"

[5th March, 1803.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That whenever any Horses, Cattle, Sheep or Swine, taken damage feasant, or running at large contrary to law, shall be impounded in the pound of any township, parish or place, it shall be the duty of the pound-keeper to feed the same, for doing which he shall be entitled to an allowance over and above his fees as pound-keeper, which allowance shall be from time to time regulated by the Justices in Quarter Sessions.

Whenever any horses, cattle, sheep or swine taken, they may be impounded, &c.

The pound-keeper within 48 hours to give notice of sale, &c.

II. And be it enacted by the authority aforesaid, That in all such cases, the pound-keeper, within forty eight hours after the distress shall have been impounded, shall cause a notice thereof in writing to be affixed in three of the most conspicuous and frequented parts of the Township, parish, or place, which notice shall give a description of such distress, and specify when and where the said distress was intended to be sold; and if the owner of such distress, or some person on his behalf, shall not, within fifteen days after such notice shall have been so affixed, redeem the same by paying the charges of the pound-keeper, and also by paying or tendering the damages or penalty, if any, at the place where the pound is kept, it shall and may be lawful to and for such pound-keeper to cause such distress, or so much of the said distress to be sold, and after deducting in the first place his own charges, to pay the damages or penalty, if any, to the person entitled thereto, and after payment of such charges, damage or penalty, to return the surplus, if any, to the owner.

III. *And be it further enacted by the authority aforesaid*, That if the owner of any distress, or some person on his behalf, shall not appear, or shall dispute the amount of the damages claimed, it shall and may be lawful for the pound-keeper to apply to some neighboring Justice of the Peace, who is hereby authorised and required forthwith to summon three freeholders, to whom he shall administer an oath well and truly to assess the damages, and where the said freeholders shall not agree, the determination of the majority of them shall be conclusive as to such damages. *Provided nevertheless*, That nothing herein contained shall be construed or taken to restrain the owner of the distress from instituting any suit or suits in consequence of any distress or distresses to be made under the authority of this Act, in which nothing shall be tried or called in question, except the legality of taking or impounding such distress or distresses.

If the owner of any distress shall not appear, Justices to summon freeholders to assess damages, &c.

IV. *And be it enacted by the authority aforesaid*, That from and after the first day of May next, it shall not be lawful for any person or persons residing in the several towns of York, Niagara, Queenston, Amherstburgh, Sandwich, Kingston, or New-Johnstown, to have any Swine going at large in the said towns; and if any Swine belonging to any such person or persons, shall be found at large in any of the towns aforesaid, such person or persons shall for every such Swine forfeit and pay the sum of ten shillings, to and for the use of His Majesty, his Heirs and Successors, to be accounted for unto His said Majesty through the Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty shall direct, to be recovered in a summary way, before any one of His Majesty's Justices of the Peace, either upon the confession of the party complained of, or upon the oath of one credible witness, which sum after the party shall be so convicted, shall be levied by distress and sale of the offender's goods and chattels, returning the overplus, if any shall arise upon such sale, to the party complained of, after deducting the said sum of ten shillings, and the charges of the sale.

Swine not to go at large, in York, Niagara, Queenston, Amherstburgh, Kingston or New Johnstown.

(See 34th Geo. III. c. 8.—44th c. 4.)

C H A P. XI.

An Act the more conveniently to collect the Compensation to the Members of the House of Assembly for their attendance in their Duty in Parliament, and to repeal part of an Act passed in the Parliament of this Province in the thirty-third year of His Majesty's reign, intituled, "*An Act to authorize and direct the laying and collecting of Assessments and Rates within this Province, and to provide for the payment of WAGES to the House of ASSEMBLY.*"

[5th March, 1803.]

WHEREAS the present mode of Assessment for making compensation to the Members of the House of Assembly for their attendance in their duty in Parliament, is found to be inconvenient; for the more easy collection and payment of the same; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain

Preamble.

Every Member having attended, to receive from the Speaker a warrant.

And may demand of the Justices, a sum not exceeding 10s per day,

Which shall be levied by assessment.

Where any Member represents two or more Districts, he may demand a warrant directed to the Justices of each District.

Thirtieth clause of former Act repealed.

(See 33rd Geo. III. c. 3.)

certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That after every prorogation and dissolution of the Assembly of this Province, it shall and may be lawful for every Member thereof, having attended, to receive from the Speaker of the House of Assembly, a warrant under his hand and seal, signifying the time that such Member hath attended his duty in the said Assembly; and every Member possessed of such warrant, shall and may ask and demand of the Justices of the Peace for the District in which the County or Riding represented by such Member may be situate, in their General Quarter Sessions assembled, a sum not exceeding ten shillings per day, for every day that the said Member shall have been engaged in the attendance of his duty in the House of Assembly, and have been necessarily absent from his place of abode in going to, or returning from his attendance; which sum it shall or may be lawful for the said Justices to levy, by assessment to be made on each and every inhabitant householder in the several parishes, townships, reputed townships, or places within the County or Riding represented by such Member, in the same manner and form as by law any assessment may now or hereafter be levied, for any public purpose in any District in this Province; and for the said Justices to issue their order upon the Treasurer of the District to pay the amount of the sum to which any such Member may be entitled, out of the monies which may come into his hands, under and by virtue of any Act of the Provincial Parliament. And it shall and may be lawful to and for each and every Member, who may now or hereafter represent part of two or more Districts, to ask and demand from the Speaker of the House of Assembly, who is hereby authorized and required to grant the same, a Warrant directed to the Justices in General Quarter Sessions assembled, of each of the said Districts, which the said Member shall so represent, which Warrant shall specify the sum that each District is liable to pay, and the Justices thereof respectively, are hereby required to cause the sum specified in such Warrant to be collected and paid to the said Member, in manner and form as herein before directed.

II. *And be it further enacted by the authority aforesaid, That the thirtieth clause of an Act passed in the Parliament of this Province, in the thirty-third year of His Majesty's reign, intituled, "An Act to authorize and direct the laying and collecting of assessments and rates within this Province, and to provide for the payment of Wages to the House of Assembly," shall be, and to the same is hereby repealed.*

C H A P. XII.

An Act particularizing the Property, Real and Personal, which, during the continuance thereof, shall be subject to ASSESSMENTS and RATES, and fixing the several VALUATIONS at which each and every particular of such Property shall be Rated and Assessed.

[Expired.]

STATUTES

STATUTES

OF

UPPER-CANADA,

PASSED IN THE FOURTH SESSION OF THE THIRD PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE NINTH DAY
OF MARCH FOLLOWING, IN THE FORTY-FOURTH YEAR
OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR.

ANNO DOMINI 1804.

CHAP. I.

An Act for the better securing THIS PROVINCE against all SEDITIOUS ATTEMPTS or
DESIGNS to disturb the TRANQUILITY thereof.

[9th March, 1804.]

WHEREAS it is necessary to protect His Majesty's Subjects of this
Province from the Insidious Attempts or Designs of evil minded and
seditious Persons ; And whereas much danger may arise to the Public Tran-
quility thereof, from the unrestrained resort and residence of such persons
therein ; Be it therefore enacted by the King's Most Excellent Majesty,
by and with the advice and consent of the Legislative Council and
Assembly of the Province of Upper-Canada, constituted and assembled by
virtue of, and under the authority of an Act passed in the Parliament of
Great Britain, intituled, " An Act to repeal certain parts of an Act passed
in the fourteenth year of His Majesty's Reign, intituled, ' An Act for making
more effectual provision for the Government of the Province of Quebec in
North America, and to make further provision for the Government of the said
Province,"

Preamble.

Governor, &c. empowered to authorise certain persons to arrest offenders against this Act.

Province," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the Members of the Legislative and Executive Councils, the Judges of His Majesty's Court of King's Bench for the time being, respectively, or for any person or persons authorized in that behalf, by an instrument under the hand and seal of the Governor, Lieutenant Governor, or Person administering the Government for the time being, or any one or more of them, jointly or separately, by warrant or warrants under his or their hand and seal, or hands and seals, to arrest any person or persons, not having been an inhabitant or inhabitants of this Province for the space of six months next preceding the date of such warrant or warrants, or not having taken the oath of allegiance to our Sovereign Lord the King, who by words, actions or other behaviour or conduct, hath or have endeavoured, or hath or have given just cause to suspect that he, she or they is or are about to endeavour to alienate the minds of His Majesty's subjects of this Province from his person or government, or in any wise with a seditious intent to disturb the tranquility thereof, to the end that such person or persons shall forthwith be brought before the said person or persons so granting such warrant or warrants against him, her or them, or any other person or persons duly authorized 'o grant such warrant or warrants by virtue of this Act ; And if such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall not give to the person or persons so granting such warrant or warrants, or so authorized as aforesaid, before whom he, she or they shall be brought, full and complete satisfaction that his, her or their words, actions, conduct or behaviour had no such tendency, or were not intended to promote or encourage disaffection to His Majesty's person or government, it shall and may be lawful for each or any of the said persons so granting such warrant or warrants, or so authorized as aforesaid, and he and they is and are hereby required to deliver an order or orders in writing, to such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of Allegiance, requiring of him, her or them to depart this Province within a time to be limited by such order or orders, or if it shall be deemed expedient that he, she or they should be permitted to remain in this Province, to require from him, her or them good and sufficient security, to the satisfaction of the person or persons acting under the authority hereby given, for his, her or their good behaviour, during his, her or their continuance therein.

Offenders to depart the Province, or give security, &c.

II. *And be it further enacted by the authority aforesaid,* That if any person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, who by any order or orders so delivered to him, her or them, is or are required to depart this Province within a time limited by that order, should by sickness or other impediment, be prevented from paying due obedience to the same, it shall and may be lawful for the person or persons who hath or have issued such order or orders as aforesaid, or for any other person or persons as aforesaid, authorized by this Act so to do (the person or persons acting under the authority hereby given, being first satisfied that such impediment by sickness or otherwise, ought to be admitted as a reason for such order as aforesaid not having been obeyed) by an indorsement

indorsement in writing upon the said order or orders, or otherwise in writing, to enlarge the time specified in the said order or orders, from time to time as occasion may require, and if any person or persons so having been required or ordered to quit this Province as aforesaid, and not having obtained an enlargement of such time, in manner herein before specified, shall be found at large therein, or return thereunto after the time limited by any or either of such orders, without licence from the Governor, Lieutenant Governor, or Person administering the Government for the time being, in that behalf, or in case any person or persons who shall have been served with any or either of such order or orders as aforesaid, or who shall have been permitted to remain in this Province, upon such security as aforesaid, shall by words, actions or otherwise, endeavour or give just cause to suspect that he, she or they is or are about to endeavour to alienate the minds of His Majesty's subjects of this Province from his Person or Government, or in any wise with a seditious intent to disturb the tranquility thereof, it shall and may be lawful for any one or more of the said person or persons so authorized by this Act as aforesaid, and he and they is, and are hereby required, by warrant or warrants under his or their hand and seal, or hands and seals, to commit such person or persons so remaining at large, or returning into this Province without such licence as aforesaid, or so endeavouring or giving cause to suspect, that he, she or they is or are about to endeavour so to alienate the minds of His Majesty's subjects of this Province, or in any wise, with a seditious intent, to disturb the tranquility thereof, to the common Gaol or to the custody of the Sheriff of the District, in such Districts in which there shall be no gaol at that time, there to remain without bail or mainprize, unless delivered therefrom by special order from the Governor, Lieutenant Governor, or Person administering the Government for the time being, until he, she or they can be prosecuted for such offence in His Majesty's Court of King's Bench, or of Oyer and Terminer and General Gaol Delivery in this Province, or under any special commission of Oyer and Terminer to be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being; and if such person or persons, not being such inhabitant or inhabitants as aforesaid, or not having taken such oath of allegiance, shall be duly convicted of any of the offences herein before described, in either of the said Courts respectively, he, she or they shall be adjudged by such Court, forthwith to depart this Province, or to be imprisoned in the Common Gaol, or be delivered over to the custody of the Sheriff in such Districts in which there shall be no gaol at that time, for a time to be limited by such judgment, and at the expiration of that time to depart this Province; and if such person or persons so convicted as aforesaid, shall remain in this Province, or return thereinto after the expiration of the time to be limited by the said judgment, without licence from the Governor, Lieutenant Governor, or Person administering the Government for the time being, in that behalf first had and obtained, such person or persons on being duly convicted of so remaining or returning, before either of the said Courts, shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of Clergy. *Provided always*, That if in the execution of the powers hereby given, any question shall arise touching or concerning the space of time during which any person or persons shall have been an inhabitant or inhabitants of this Province previous to any warrant or warrants having been issued

Time or offenders departing the Province may be enlarged.

If after security given, person give cause to suspect, &c.

Such person to be committed

Punishment if convicted.

Proof to lay on the person charged.

issued against him, her or them, or touching or concerning the fact of any person or persons having taken such oath of allegiance, the proof shall, in all such cases, lay on the party or parties against whom any such warrant or warrants shall, in virtue of the powers hereby given, have been granted or issued.

If any person suing under colour of this Act become nonsuited, &c.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons, at any time, shall be sued or prosecuted for any thing by him or them done, in pursuance, or by colour of this Act, or of any matter or thing therein contained, such action or prosecution shall be commenced within three calendar months next after the offence shall have been committed, and such person or persons may plead the general issue, and give the special matter in evidence for his, her or their defence, and if, upon trial, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or shall discontinue his, her or their suit or prosecution, or if judgment be given for the defendant or defendants upon demurrer or otherwise, such defendant or defendants shall have treble costs to him or them awarded against the plaintiff or plaintiffs.

Treble costs.

C H A P. II.

An Act for the Exemplary Punishment of all and every Person and Persons who shall seduce, or attempt to seduce, or aid or assist, or attempt to aid or assist any SOLDIER to DESERT HIS MAJESTY'S SERVICE, or who shall harbour, conceal, receive or assist any DESERTER from such Service.

[9th March, 1804.]

Preamble.

WHEREAS pernicious practices have for some time past prevailed in this Province, by evil disposed persons disaffected to His Majesty's Government, and particularly to the Military Service thereof, in seducing and deluding His Subjects who had engaged themselves as Soldiers in such Service, and prevailing on them to desert, and also in harbouring, assisting and concealing such Deserters; for remedy whereof for the future, and for the exemplary punishment of such persons in such cases offending, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act, if any person or persons whomsoever (other than such as are, or shall be enlisted as Soldiers) shall, by words or with money, or by any other ways or means whatsoever, directly or indirectly, prevail upon, procure, persuade, or encourage, or endeavour or attempt to pre-

Any person procuring, persuading, &c. soldiers to desert, to be committed to gaol for 6 months, and if found expedient, judge may order him to pay 40*l*. and if not paid to be publicly whipped.

prevail upon, procure, persuade or encourage any such Soldier or Soldiers to desert or leave His Majesty's service, and shall be thereof lawfully convicted, the Court or Judge before whom such offender shall be so convicted, shall immediately on such conviction, award and adjudge such person and persons so convicted as aforesaid, to be committed to the common Gaol of the District where such offender shall be so tried, there to remain without Bail or Mainprize for the space of six calendar months; and if from the circumstances and heinousness of the crime, it shall be thought proper and expedient to increase the punishment, such Court or Judge shall also further award and adjudge, that such offender so convicted as aforesaid, shall forfeit and pay a sum not exceeding forty pounds, and if such offender shall not on or before the third day previous to the expiration of such imprisonment as aforesaid, pay such fine, then in such case the said offender shall be publicly whipped.

II. *And be it further enacted by the authority aforesaid,* That if any person from and after the passing of this Act, shall harbour, conceal, receive or assist any Deserter from His Majesty's service, knowing him to be such, such person so offending shall forfeit the sum of twenty pounds, and if such sum of twenty pounds shall not immediately on such conviction being pronounced, be paid into Court, the Court or Judge before whom such conviction shall be had, shall forthwith award, order and adjudge such offender to be committed to the common Gaol of the District in which such offender shall be so convicted, there to remain without Bail or Mainprize, for the space of three calendar months, or until such time, not exceeding three calendar months, as the said sum of twenty pounds shall be paid.

Persons harbouring Deserters to forfeit 20*l.* and if not paid, to be committed to gaol for three months.

III. *Provided nevertheless,* That no conviction shall be pronounced under the authority of this Act, in any Court or Jurisdiction whatsoever in this Province, save and except by indictment preferred or presented before a Court, or Judge or Judges sitting in the execution of a Commission of Oyer and Terminer and General Gaol Delivery; nor shall any prosecution be carried on by virtue of this Act, if the same shall not be commenced, within six calendar months next after the offence shall be charged to have been committed, unless the offender shall within the said six months have departed and left the Province, in which case it shall and may be lawful to commence such prosecution at any time within six calendar months next after such offender's return into the Province, and to carry on the same to conviction; but it is hereby declared, that the issuing any warrant for the apprehending of any person charged with any offence against this Act, by any one of His Majesty's Justices of the Peace for this Province, shall be held and deemed to be a commencement of a prosecution, within the true meaning of the provisions herein in that respect contained.

Prosecution to be commenced within six calendar months, unless offender shall leave the Province, then within 6 months after his return,

Issuing warrant, a commencement of prosecution within this Act.

IV. *And be it enacted by the authority aforesaid,* That in order the more effectually to prevent the escape of any such offender or offenders as aforesaid, it shall and may be lawful at any time from and after the passing of this Act, to and for any one or more of His Majesty's Justices of the Peace, on due proof upon oath being made before him or them, that any person has committed any one of the offences herein before described, to issue his or their

Justices to issue warrants.

and to commit.
or Bail; &c.

their warrant or warrants for the apprehension of such offender or offenders, or person or persons charged with such offence, and to cause such offender or offenders, or such person or persons so charged as aforesaid, to be brought before him or them, and upon the examination of such offender or offenders, and hearing the evidence, such Justice or Justices of the Peace shall discharge or commit to prison, or shall Bail such offender or offenders, in like manner as by law any other person or persons charged criminally is or are dealt with ; save and except, that if such Justice or Justices shall be satisfied with the evidence against such offender or offenders, such Justice or Justices shall commit such offender or offenders to the common Gaol of the District, or in case there shall be no Gaol in that District, to the common Gaol of any adjoining District, and such offender and offenders shall remain so committed until his, or her or their trial shall be brought on, unless such offender or offenders shall, with two good and sufficient sureties, to the satisfaction of the said Justice or Justices, become bound by recognizance to our Sovereign Lord the King, in manner hereinafter specified, (that is to say) if the said offender shall be charged with having committed any offence against the provisions in the first Section of this Act contained, then such offender or person so charged, shall become bound in the sum of two hundred pounds, and each of such sureties in the sum of one hundred pounds, and if such offender shall be charged with having committed any offence against the provisions in the second Section of this Act contained, then such offender or person so charged, shall become bound in the sum of forty pounds, and each of such sureties in the sum of twenty pounds, conditioned in each of such recognizances, for the appearance of such person so charged with any offence against this Act, at the then next Assizes, or Session of Oyer and Terminer and General Gaol Delivery, to be holden for the District where such offence shall be charged to be committed, or at such other or future Assizes or Session of Oyer and Terminer and General Gaol Delivery, to which the trial of such offender shall for just cause be adjourned.

Provision for cases
in which there shall be
no common gaol in the
District.

V. *Provided likewise, and be it further enacted*, That if it shall happen that any conviction under this Act shall take place in any District where there shall be no common Gaol at the time of such conviction, it shall and may be lawful to and for the Court or Judge before whom such conviction shall be had, to award, order and adjudge, that any such offender or offenders so to be convicted, shall be committed to the common Gaol of any adjoining District, in which there shall at that time be a Gaol, and also to order and adjudge, that any further punishment to be inflicted under the authority of this Act, shall be inflicted either in the District where such conviction shall take place, or in the District to the Gaol of which such offender shall be committed, as to such Judge or Court shall seem meet : And in case of any commitment by any Justice or Justices of the Peace before trial, or of any commitment by any such Court, or Judge or Judges as aforesaid after conviction, under the authority by this Act given, the Treasurer and Gaoler of the District to the Gaol of which such offender, or person charged with or convicted of any offence against this Act shall be committed, are, and each of them is hereby respectively required, to allow to each person during his or her commitment or confinement there, such and the like maintenance and subsistence as is by law allowed to persons in custody under any criminal charge ;

Allowance to pri-
soners.

charge ; and the Treasurer of the District from which such offender or person so charged or convicted shall be so sent, shall, and he is hereby required, to reimburse and pay to the Treasurer of the District in which such person shall have been confined, out of the first monies which shall come to his hands, such sum and sums of money as shall have been so lawfully expended, according to the provisions in that respect herein before contained, for the maintenance and subsistence of any such person or persons as aforesaid.

VI. *And be it further enacted*, That in case any such person or persons as aforesaid shall, by virtue of this Act, be committed before trial to any Gaol other than the Gaol of the District in which the offence shall be charged to have been committed, the Sheriff of the District in which such offence shall be charged to have been committed, shall, and he is hereby required and commanded, immediately before the Assize or Session at which any trial for any offence against this Act shall be had, to convey such person so charged from the Gaol in which he or she shall be so confined, to the District where such offence was charged to be committed, and there to keep him or her in close custody and confinement, and have such person ready to take his or her trial at the Assizes or Session of Oyer and Terminer then next ensuing : And all and every Sheriff and Sheriffs, Constable and Peace Officers of this Province, is and are hereby required and commanded to execute and obey all and every warrant and warrants, order and orders, sentence and sentences, which shall be pronounced or issued by any such Court or Judge, Justice or Justices, as are herein before mentioned, for the purpose of carrying the provisions of this Act into execution.

Sheriffs and Peace
Officers to execute
warrants, &c.

VII. *And be it further enacted by the authority aforesaid*, That all the fines, forfeitures and penalties that shall be incurred under and by virtue of this Act, shall be accounted for to His Majesty, his Heirs and Successors, to and for the public uses of this Province, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

Fines to be account-
ed for.

C H A P. III.

An Act to repeal certain parts of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "*An Act to Establish a SUPERIOR COURT of CIVIL and CRIMINAL JURISDICTION, and to regulate the COURT of APPEAL,*" and to authorise His Majesty's Court of King's Bench in this Province, to regulate certain FEES, COSTS and CHARGES therein mentioned.

84th Geo. III. c. 2.

[*Repealed by 50th Geo. III. c. 9.*]

C H A P. IV.

C H A P. IV.

An Act to repeal so much of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "*An Act to restrain the custom of permitting HORNED CATTLE, HORSES, SHEEP and SWINE to run at large,*" as relates to SHEEP, and to restrain the Owners of RAMS from permitting them to run at large during a certain time of the year.

[9th March, 1804.]

Preamble.

WHEREAS it would tend to improve the breed and increase the number of Sheep, if the owners of Rams were restrained by law from permitting them to run at large during a certain time of the year; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That so much of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, "*An Act to restrain the custom of permitting Horned Cattle, Horses, Sheep and Swine to run at large,*" as empowers or authorises the inhabitant householders, or the greater part of them in every District within this Province in their annual Town Meetings, to ascertain and determine in what manner and at what periods Sheep shall be allowed to run at large within their respective divisions, or to resolve that the same or any part thereof, shall be restrained from so doing, shall be and the same is hereby repealed.

Former Act, authorising Town Meetings, to restrain Sheep running at large repealed.

Rams not to run at large between 1st of September and 20th of December.

Penalty for offences against this Act.

II. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any person or persons within this Province, to have any Ram or Rams going at large within the said Province, from the first day of September until the twentieth day of December in each year, and if any Ram or Rams belonging to any such person or persons as aforesaid, shall be found going at large as aforesaid, such person or persons shall for every such Ram going at large as aforesaid, between the said first day of September and the said twentieth day of December, forfeit and pay the sum of twenty shillings, which shall be recovered in a summary way before any one of His Majesty's Justices of the Peace, either upon the confession of the party complained of, or upon the oath of one credible witness, which sum, after the party shall be so convicted, shall be levied by distress and sale of the offender's goods and chattels, returning the overplus, if any shall arise upon such sale, to the party complained of, after deducting the said sum of twenty shillings and the charges of the sale.

Half the penalty to be paid to the Receiver General.

III. And be it further enacted by the authority aforesaid, That one half of the said sum of twenty shillings, shall be paid to the informer, and the other half shall be paid to the Receiver General, to and for the public uses of this Province.

IV. and whereas difficulty may arise in ascertaining to whom any Ram or Rams which shall be found running at large, between the said first day of September and the twentieth day of December, in this present or any subsequent year, may belong, *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons finding such Ram or Rams at large during the aforesaid time, contrary to the Provisions of this Act, to impound such Ram or Rams in the common Pound, or confine such Ram or Rams in some building within the township, where such Ram or Rams shall be so found, and to affix notice in writing, under the signature of such person or persons so impounding or confining such Ram or Rams, on the outside of such pound or building, and also in some other conspicuous place in the said township, (which notice shall be dated on the day on which the same shall be so affixed) of such Ram or Rams having been found at large contrary to law, and being impounded or confined, either in the common pound or some other building to be described in such notice (as the case may be) and such person or persons shall immediately proceed to bring to conviction such owner or owners; and if the owner or owners of such Ram or Rams, shall not within seven days after such notice shall be so given, pay the said sum of twenty shillings, together with the pound-keeper's fees, and the costs and charges attending the support and feeding such Ram or Rams during his or their confinement, (such costs and charges to be ascertained and adjudged by the Magistrate before whom any conviction shall take place by virtue of this Act) it shall and may be lawful to and for the person or persons who shall so have impounded or confined such Ram or Rams, and who shall have convicted the owner or owners of such Ram or Rams, of having offended against this Act, to expose such Ram or Rams to sale, and out of the money arising from such sale, to pay such sum of twenty shillings, together with such costs and charges as aforesaid, in case the proceeds of such sales shall be found sufficient to pay the same, and if more than sufficient, to return the overplus to the owner or owners of such Ram or Rams, and if such proceeds shall be found insufficient for the purposes aforesaid, then, and in such case, such proceeds shall, in the first place, be applied in payment of the pound-keeper's fees and the costs and charges attending the supporting and feeding such Ram or Rams, and the remainder to be applied in manner following, viz: one half of such remainder to the informer, and the other half to His Majesty's Receiver General, for the public uses of this Province.

How Rams to be dealt with, if difficulty arises to whom they belong.

Disposition of money arising from sale of Rams under this Act.

V. *And be it further enacted,* That no prosecution shall be carried on under the authority of this Act, unless the same shall be commenced within eight days after any Ram or Rams shall be found running at large, contrary to the provisions herein contained, nor shall any distress be levied under the authority of this Act, in any case where any Ram or Rams so impounded or confined as aforesaid, shall have been sold under the provisions herein contained, but the proceeds of such sale or sales only, shall at all times be deemed and considered as liable to satisfy the penalty and all costs by this Act intended to be imposed.

No prosecution unless within 8 days.

VI. *And be it further enacted by the authority aforesaid,* That all such parts of the forfeitures and penalties as are by this Act directed to be paid to His Majesty's

Forfeitures and penalties to be accounted for.

(See 34th Geo. III.
c. 8. & 43rd c. 10.)

jesty's Receiver General, to and for the Public uses of this Province, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

C H A P. V.

41st Geo. III. c. 12.

An Act to PROMULGATE the PROVINCIAL STATUTES, and also to repeal so much of an Act passed in the forty-first year of the reign of His present Majesty, as relates to PRINTING the JOURNALS.

[9th March, 1804.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the authority of the same, That so much of an Act passed in the forty-first year of the reign of His present Majesty, intituled "An Act for granting to His Majesty a certain sum of money out of the Provincial Fund, to defray the payment of the Salaries of the Officers of the Legislative Council and House of Assembly, (including the Commissioners to Lower-Canada) and to defray the contingent expences thereof, and further to appropriate the supplies and provide for the payment of the same hereafter," as relates to Printing and Publishing the Journals, shall be, and the same is hereby repealed.

Former Act relative to Printing the Journals repealed.

300l. to be appropriated during the present year for printing all the Acts of the Province.

II.—

Disposition of the Acts to be printed.

III. *And be it further enacted by the authority aforesaid,* That the said Clerk shall as soon as possible after receiving the said Acts, send four copies of them to each Member of the Legislative and Executive Councils; four copies to each of the Judges of the Court of King's Bench, and the like number to His Majesty's Attorney General, and also twenty copies to each Member of the present House of Assembly, to be by them distributed in such manner as will best tend to promulgate a general knowledge of the Laws.

80l. appropriated for the annual printing of the Laws.

IV. *And be it further enacted by the authority aforesaid,* That out of the said sum of three hundred pounds, shall be appropriated after the present year the sum of eighty pounds for the annual Printing of such Laws as may hereafter be passed.

C H A P. VI.

An Act for granting to His Majesty a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the PUBLIC HIGHWAYS and ROADS, laying out and opening new ROADS, and building BRIDGES in the several Districts thereof.

[Repealed by 46th Geo. III. c 4.]

Grants £1000 to be disposed of by Commissioners, in repairing Public High Ways.

C H A P. VII.

An Act to explain and amend an Act passed in the forty-third year of His Majesty's Reign, intituled, "*An Act for the better securing to His Majesty, his Heirs and Successors, the DUE COLLECTION and RECEIPT of certain DUTIES therein mentioned.*"

43rd Geo. III. c 9.

[9th March, 1804.]

WHEREAS it is expedient to remove certain doubts which have been entertained respecting the property of Executors, Administrators and Devisees, in the unexpired term of Licences for using and working Stills, granted to persons dying within the period of such Licence, and respecting the right of removing and transferring any Stills, or assigning any Licences for the using or working of any Still or Stills for the unexpired term thereof; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That in case of the death of any person having taken out a Licence to work a still or stills, and the executor, administrator or devisee of such still or stills, or any purchaser or purchasers from such executor, administrator or devisee, shall be minded or desirous of working the same for the remainder of the term for which such Licence or Licences shall have been granted, such executor, administrator or devisee, or such purchaser or purchasers as aforesaid, shall, and he and they is and are hereby required within twenty days after such death, to give notice thereof in writing to the Inspector of the District in which such still or stills is or are intended to be worked, and also to make a requisition upon the said Inspector for a Licence to be granted to such executor, administrator, devisee, purchaser or purchasers, to work such still or stills for the remainder of the term for which the Licence was originally granted to the testator or intestate, under whom the said executor, administrator or devisee claims title to such still or stills; and in case of such requisition being made by any purchaser or purchasers, from such executor, administrator or devisee,

Preamble.

The executor, &c. of a person who had taken out a Licence to work a still, or a purchaser from such executor, &c. to give notice, & make requisition, &c.

And to produce receipts for the purchase money.

vissee, such purchaser or purchasers is and are hereby required to produce to the said Inspector the receipt or acquittance for the purchase money for such still or stills, under the hand of the said exorutor or administrator, before he, she or they shall be entitled to demand the indorsation of the said Licence to be made in manner hereinafter directed.

When any person sees cause to remove or transfer a still, not necessary it should be again licenced ;

II. *And be it further enacted by the authority aforesaid,* That when any person or persons having taken out a Licence to work a still or stills, shall see cause to remove or transfer the same, it shall not be necessary that any still or stills so removed or transferred, be again Licenced previous to the expiration of the Licence under which it or they were wrought before such removal or transfer, otherwise than as herein after mentioned. *Provided nevertheless,* That the persons intending to remove or transfer such still or stills as aforesaid, shall, and he, she or they are hereby required to give notice in writing to the Inspector of the District in which such still or stills is or are intended to be worked as aforesaid, of his, her or their intention of so removing or transferring such still or stills, at least ten days before such removal or transfer.

but notice is required to be given.

After notice, &c.
Inspector to indorse licence.

III. *And be it further enacted by the authority aforesaid,* That after such notice shall have been given, and such receipt produced, in the cases by this Act required, to the said Inspector of the District as aforesaid, it shall and may be lawful to and for the said Inspector, and he is hereby required to indorse the original Licence granted for the working such still or stills, in manner following, (that is to say,)

Form of indorsment.

A. B. is hereby Licenced to work the within mentioned Still or Stills, for the remainder of the term by this Licence first granted.

C. D. Inspector for the District of

Inspector at all times in the day time, when &c. to enter still-house.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Inspector in each and every District, at all times in the day time, when the said still or stills shall not be charged, or after having given six hours notice to the proprietor or proprietors, or person or persons working or using such still or stills, to enter into any still-house, or place where any still or stills is or are wrought, and to measure each and every still so wrought as often as he shall see cause so to do ; and if the proprietor or person working such still or stills, shall refuse to admit any such Inspector as aforesaid to enter into the still-house, or other place where any still or stills is or are wrought as aforesaid, and measure the still or stills as aforesaid, and shall be convicted thereof upon the oath of the Inspector or otherwise, before any Justice of the Peace in the District, the said proprietor, or person or persons working such still or stills, shall forfeit the sum of twenty five pounds, to be paid to His Majesty, his Heirs or Successors, to and for the public uses of this Province, and to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as it shall please His Majesty to direct, which said forfeiture shall be levied by distress and sale of the offender's goods and chattels, and in case the party or parties so convicted as aforesaid, shall not have any goods or chattels, upon which the said sum of twenty-five pounds can be

Penalty for refusing to admit Inspector.

he levied, and any part of the said sum of twenty five pounds shall remain unpaid for the space of ten days after such conviction as aforesaid, then it shall be lawful for the Magistrate before whom the said conviction shall be so had, to order the party or parties so convicted to be committed to the common Gaol of the District, or to the custody of the Sheriff thereof, there to remain without Bail or Mainprize for the space of three calendar months, by a warrant under the hand and seal of the Magistrate before whom such conviction shall be had. *Provided nevertheless,* And if any person or persons who shall be so convicted before any such Magistrate as aforesaid, shall consider him, her or themselves aggrieved by such conviction, then and in such case it shall and may be lawful to and for the party or parties so considering him, her or themselves aggrieved, and he, she and they is and are hereby authorised, upon giving good and sufficient security to the satisfaction of the Magistrate so convicting, for the payment of the conviction money and the costs of appeal, to bring his, her or their appeal from the said conviction, in a summary mode, before the then next ensuing General Quarter Sessions of the Peace for the District in which such conviction shall take place, during which interval all further proceedings upon the said conviction shall cease, and the Magistrates in such Quarter Sessions assembled, are hereby authorised and required to hear, adjudge and determine such appeal upon the merits thereof, and the determination of such Quarter Sessions shall be held and considered final and conclusive, not subject or liable to be removed by certiorari or otherwise before any other jurisdiction, and if such conviction shall be affirmed by the said Quarter Sessions, the defendant or defendants shall in addition to the conviction money, pay such costs for and on account of such appeal as to the said Quarter Sessions shall seem meet, and if such appeal shall not be prosecuted and brought to a decision at the Quarter Sessions next following the conviction, the Quarter Sessions shall in such case also award such costs to the informer, or party who had obtained the conviction before the said Magistrate, as to the said Court shall seem meet.

Appeal to the Quarter Sessions.

Costs to be awarded.

V. *And be it further enacted by the authority aforesaid,* That in all cases in which any person or persons shall be prosecuted to conviction for any offence against this Act, or any former Act or Acts of this Province relative to the Collecting Duties on Stills, and a conviction shall actually be pronounced, and no provision shall have been by any former Act made for compensating the said Inspector on account of such prosecution, it shall and may be lawful to and for the said Inspector to state and make out in writing a true and exact account of all costs and expences by him incurred, and he shall also be admitted to make a reasonable charge for the time by such Inspector employed or bestowed in prosecuting such offenders to conviction, which said costs, expences and charges, shall be audited by His Majesty's Executive Council of this Province, and such sum as the said Executive Council shall allow on account thereof, shall be paid by warrant to be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, on the Receiver General thereof, for the time being, out of any funds in the Receiver General's hands arising from duties on Stills.

Provision for costs of prosecution, &c.

(See 34th Geo. III. c 11.)

C H A P. VIII.

*Granting £175 for
the purchase of the Sta-
tute Laws of England.
See 52d Geo. III. 1st
Session, c 7.*

An Act for granting to His Majesty a certain SUM of MONEY for the purposes thereth mentioned.

C H A P. IX.

An Act appropriating a certain sum of MONEY annually to defray the EXPENCES of erect- ing certain PUBLIC BUILDINGS to and for the uses of this Province.

[Repealed by 52d Geo. III. c 4. 2d Sess.]

C H A P. X.

*£308 : 11 : 10 1-2
granted to defray the
Contingent Expences of
the preceding Session.*

An Act for applying a certain Sum of MONEY therein mentioned, to make good certain MONIES, issued and advanced by His Majesty through the Lieutenant Governor, in pursu- ance of an Address.

C H A P. XL

An Act for granting to His Majesty a certain sum of MONEY, for the further encouragement of the GROWTH and CULTIVATION of HEMP within this Province, and the EX- PORTATION thereof.

[Repealed by 53rd Geo. III. c 7,]

STATUTES

OF

UPPER-CANADA,

PASSED IN THE FIRST SESSION OF THE FOURTH PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE SECOND
DAY OF MARCH FOLLOWING, IN THE FORTY-FIFTH YEAR
OF THE REIGN OF GEORGE III.

PETER HUNTER, ESQUIRE, LIEUTENANT GOVERNOR;

ANNO DOMINI 1805.

C H A P. I.

An Act for altering the TIME of ISSUING LICENCES for the keeping a House or any other Place of Public Entertainment, or for the Retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having or using of Stills for the purpose of Distilling Spirituous Liquors, and for repealing so much of an Act passed in the forty-third year of His Majesty's Reign, as relates to the periods of paying into the hands of the Receiver General the Monies collected by the Inspector of each and every District throughout this Province for such Licences.

[2d March, 1805.]

WHEREAS the time appointed by the Laws now in force, for the granting and taking out Licences for the keeping of a House or any other place of Public Entertainment, or for the Retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having and using of Stills for the purpose of distilling Spirituous Liquors for sale within this Province, hath been found to be inconvenient; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's

Preamble.

Reign,

Licences for the present year, to extend only to the fifth day of January, 1806, & from that day in every subsequent year, to extend for one whole year.

Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the Licences to be granted by the Governor, Lieutenant Governor, or Person Administering the Government of this Province, for the keeping of a house or any other place of Public Entertainment, for the retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having and using of Stills, for the purpose of Distilling Spirituous Liquors for sale, to commence from the fifth day of April, now next ensuing, shall be extended, and continue in force to the fifth day of January one thousand eight hundred and six, and no longer, and that from the said fifth day of January one thousand eight hundred and six, and from the fifth day of January in every subsequent year, it shall and may be lawful for the said Governor, Lieutenant Governor, or Person Administering the Government, to grant Licences as aforesaid, for the purposes aforesaid, for one whole year next ensuing.

Amount of the money to be paid for Licences for the present year.

II.—

(Repealed for 3 years by 59th Geo. III. c 2.)

Time of the meeting of the magistrates for receiving applications for the taking out Licences.

Laws now in force to extend to such licences as shall be taken out hereafter.

Times of payment by the Inspector to the Receiver General
(See 34th Geo. III. c 12—43rd c 9. & 56th c 8.)

III. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Magistrates acting in each and every division in the several Districts of this Province, to appoint a day of Public meeting in each division, in either of the two last weeks of the month of December in each and every year, for receiving applications from such person or persons who desire to take out Licence or Licences, to commence from the fifth day of January one thousand eight hundred and six, or from the fifth day of January in any subsequent year, for the purpose of opening Public Houses within the said several divisions, under and by virtue of this Act, in like manner as heretofore such meetings have been held in either of the two last weeks in March, to receive applications from such persons as did desire to take out Licences for the purpose aforesaid, to commence from the fifth day of April then next ensuing; and that all the rules, regulations, restrictions, penalties, matters and things which are by any Act or Acts of the Legislature of this Province in force, touching and concerning the applying for, allowing, granting, obtaining, or in any wise relating to all or any of the said Licences respectively herein before mentioned, except so far as they are varied or changed by this Act, shall, and are hereby extended to such Licences respectively, as shall be granted, to commence from the fifth day of April next ensuing, and from the said fifth day of January in the year one thousand eight hundred and six, and from the fifth day of January in each and every subsequent year, under and by virtue of this Act, any thing herein contained to the contrary notwithstanding.*

IV. [Repealed by 56th Geo. III. c 3, s 1, & 59th c 2, s 1.]

C H A P. II.

An Act to afford relief to those PERSONS who may be entitled to CLAIM LANDS in this Province, as HEIRS or DEVISEES of the Nominees of the Crown, in cases where no Patent hath issued for such Lands.

Revised and Continued by 48th Geo. III. c. 10.—52d c. 9. & 56th c. 21.

[2d March, 1805.]

WHEREAS it is expedient to afford relief to those Persons, who may be entitled to Claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in cases where no Patent hath issued for such Lands, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, at any time within three years after the passing of this Act, to issue such and so many Commissions under the Great Seal of this Province, to the Members of the Executive Council thereof, His Majesty's Chief Justice of the said Province, and the Justices of the Court of King's Bench therein, for the time being, as he shall think fit, which said Commissioners, or any three of them, of whom the said Chief Justice, or one of the said Justices shall be one, in cases brought before them, as such Commissioners, respecting Lands within the said Province, where the Nominee or Nominees of the Crown to these Lands, is or are dead, without having obtained His Majesty's Letters Patent for the same, in his, her, or their life times, shall, by and under the authority of such Commission or Commissions, have full power and authority in manner herein after mentioned, to ascertain, determine and declare who is, or are the heir; or heirs, devisee or devisees of the said Nominee, or Nominees of the Crown to such Lands.

Preamble.

Commissioners to be appointed.

Commissioners to ascertain who are the heirs or devisees of the nominees of the Crown to lands.

II *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for all and every person or persons, claiming any Lot or Lots of Land within this Province, as being the heir or heirs, devisee or devisees of the nominee or nominees of the Crown to such Lands, for which said Lot or Lots, Parcel or Parcels of Land, His Majesty's Letters Patent have not been obtained, to come either personally or by agent, duly authorised, before and produce to such Commissioners, or any three of them, whereof the said Chief Justice, or some one of the said Justices shall be one, all such documents and evidences as he, she, or they may possess, for the purpose of satisfying such Commissioners of the validity of such claim or claims, for which purpose such Commissioners, or any one of them are, and he is hereby authorised and empowered to administer such oath or oaths, either to the party or parties claiming to be heir or heirs, devisee or devisees, of the nominee or nominees of the Crown, to the said lot or lots, parcel or parcels of land as aforesaid, or to the witness or witnesses appearing in sup-

Documents and evidences to be produced before the Commissioners.

Commissioners to administer oaths to the parties, and to summon witnesses.

port of such claim or claims, as shall be judged proper and expedient, and also by summons under the signature of any one of them the said Commissioners, to require the attendance of all and every such person or persons, whose evidence may be judged necessary, to ascertain the validity of any such claim or claims, or to explain the subject matter thereof, and in such summons, also, to order the production of all such books, papers, or documents, as shall be in the custody or power of any such person or persons whose attendance shall be so required by such summons, in such manner, as such Commissioners or Commissioners signing such summons shall deem expedient; which summons, all and every person or persons, to whom the same shall be directed, is and are, hereby required to obey, upon being duly served therewith, under the penalty of twenty pounds of lawful money of this Province, to be recovered in like manner as the costs and expences of witnesses are by this Act herein after directed to be recovered.

Penalty for not obey-
ing the summons.

Nature of the testi-
mony to be received.

Provided always nevertheless, And it is hereby declared, that the said Commissioners, acting under such authority as aforesaid, are hereby authorized and empowered, to receive such written or oral testimony as may be produced to them, whether the same be, or be not consistent with the rules of evidence laid down by the laws of England, and to give and allow such force and effect to such testimony as Justice in each respective case shall in their judgment require.

Commissioners to de-
termine and report up-
on the claims.

III. *And be it further enacted by the authority aforesaid,* That after the said Commissioners shall, by virtue of the said Commission; or Commissions, have examined such claim or claims as aforesaid, they shall be at liberty, and they are hereby authorized either to reject such claim or claims, or to allow the same, as in their judgment, the justice and equity of the case may require, without any regard to legal forms and solemnities whatsoever, and to report on the same accordingly, which said report shall be final and conclusive, and shall be addressed to the Governor, Lieutenant Governor, or Person administering the Government of this Province, in Council, and from thenceforth it shall and may be lawful for the said Governor, Lieutenant Governor or Person Administering the Government, in Council, to issue His Majesty's Letters Patent, under the Great Seal of this Province, for the lot or lots, parcel or parcels of Land specified in said report, to or in trust for such person or persons, his, her, or their heirs and assigns, as are therein ascertained and declared by the said Commissioners, to be the heir or heirs, devisee or devisees of the nominee or nominees of the Crown to the said lot or lots, parcel or parcels of Land respectively; *Provided nevertheless,* That the said Letters Patent so to be issued as aforesaid, shall have such and none other force, operation, or effect, in Law or in equity, touching and concerning any charge, incumbrance, lien, matter or thing, upon or relating to the said lot or lots, parcel or parcels of Land, save and except the establishing the claim or claims of the person or persons, to or in trust for whom the said lot or lots, parcel or parcels of Land by the said Letters Patent shall be granted and conveyed, to be the heir or heirs, devisee or devisees, to the nominee or nominees of the Crown to the same, than if His Majesty's Letters Patent had been obtained for the said lot or lots, parcel or parcels of Land by the said nominee or nominees in his, her or their life times, any thing herein

Letters Patent to is-
sue.

Effect of the Letters
Patent to be issued.

herein contained to the contrary notwithstanding. *Provided also*, That nothing herein contained shall extend, or be construed to extend, to the claim or claims of any person or persons, who shall be ascertained and declared by the said Commissioners to be the heir or heirs, devisee or devisees of the nominee or nominees of the Crown, to any lot or lots, parcel or parcels of Land within this Province, other than to such lot or lots, parcel or parcels of Land, as shall by the said Commissioners be specified in their said report as aforesaid, and that all claims, of what nature or kind soever, to any lands within this Province, other than to such Lands as shall be so specified and set forth by the said Commissioners, shall continue and remain as if this Act had never been made.

IV. *And be it further enacted by the authority aforesaid*, That where any such nominee or nominees, as aforesaid, in his, her, or their life times, and under his, her or their hand and seal, or hands and seals, shall have executed any written instrument giving, or purporting to give, any charge, incumbrance or lien, on any such lot or lots, parcel or parcels of land, so claimed and allowed as aforesaid, it shall and may be lawful for the person or persons in whose behalf such instrument may have been executed, his, her, or their heirs, executors, administrators or assigns, to cause the same to be registered in the office or offices of the Register or Registers, for the county or counties, in which any such lot or lots, parcel or parcels of land shall respectively lie or be situated; and such written instrument shall have the same (and no other) force, validity and effect, than if such nominee or nominees had at the time of executing the same been in possession of a Patent from the Crown for such lot, or lots, parcel or parcels of Land as aforesaid.

Instruments by which lands are charged to be registered.

V. *And be it further enacted by the authority aforesaid*, That any person or persons, to whom any Lands have been allowed by the Commissioners for the securing and ascertaining titles to Lands in this Province, under and by virtue of certain Acts of the Legislature thereof, passed in the thirty-seventh, thirty-ninth, and forty-second years of His Majesty's Reign, which said person or persons, is or are dead, without having obtained His Majesty's Letters Patent for the same, may and shall for the purposes of this Act, be considered as the nominee or nominees of such Land, and the Commissioners to be appointed under and by virtue of this Act, may and are, hereby authorised, to examine the claim or claims brought before them, by or in behalf of the heir or heirs, devisee or devisees of such person or persons as last aforesaid; and to hear and determine, such claim or claims in like manner, and under the same regulations, provisoes, and restrictions as are by this Act directed to be observed, with respect to the claim or claims brought before them, by the heir or heirs, devisee or devisees of any nominee or nominees of the Crown, and shall report thereon in like manner, and such report shall be final and conclusive, and have the same and no other force and effect: and it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, in like manner to issue His Majesty's Letters Patent for the lot or lots, parcel or parcels of land, specified in such last mentioned report, to, or in trust for, such person or persons, his, her, or their heirs or assigns, as are therein ascertained and declared by the said Commissioners, to be the heir, or heirs, devisee or devisees, of the person or persons, to whom any

Commissioners to determine the claims of the heirs or devisees of persons allowed lands under former commissioners, and report upon the same.

Letters Patent to issue to the said heirs or devisees.

any lands may have been allowed by the Commissioners acting under and by virtue of any former Act or Acts of the Legislature of this Province, herein before mentioned.

Report obtained by surprise, when to be re heard, and new claims to be let in.

VI. *And be it further enacted by the authority aforesaid*, That in case the said Commissioners, or either of them, shall, during their sitting, or within thirty days after they shall have signed the said report or reports, and before His Majesty's Letters Patent shall have issued in pursuance thereof, by representation from any person or persons claiming to be interested therein, be satisfied, or have reason to believe, that the said reports or either of them, so far as respects the allowance of the claim or claims, of any person or persons, to any lot or lots, parcel or parcels of Land specified therein, as being the heir or heirs, devisee or devisees as aforesaid; have been obtained by surprise, or have been erroneously made, and that justice requires, so far as respects the said claim or claims, that the said reports or either of them should be staid, then and in such case, it shall and may be lawful, to and for the said Commissioners, or any other Commissioners who may sit in the execution of the said Commission, or any subsequent Commission, to rehear such claim or claims, or to let in any new claim or claims, of such other person or persons as may be, or pretend to be, such heir or heirs, devisee or devisees, as aforesaid, to the said lot or lots of Land, and upon such rehearing, such Commissioners shall be at liberty to report upon the claim or claims, thereupon reheard, as if no report had before been made thereon, and such Commissioners shall be at liberty, if they shall judge it expedient to justice, to order such person or persons at whose instance such rehearing was obtained, to pay such sum or sums of money to the person or persons in whose favor a report shall have been first made, as they shall see just, to be recovered in like manner as the costs and expences of witnesses are by this Act herein after directed to be recovered.

Costs to be allowed by the Commissioners.

Place and time of sitting of the Commrs.
(a) See 52d Geo. III.
c. 6, s. 1.

VII. *And be it further enacted by the authority aforesaid*, That the said Commissioners shall hold their sittings in the Town of York twice in the year, that is to say, during the first ten days in the month of June in each year, and the ten days next succeeding each and every Session of the Legislature of this Province (except the present) that shall and may be held in each and every year during the continuance of this Act: (a) *Provided always, nevertheless*, That when the Commissioners shall have good reason to believe, that there will not be sufficient business to require their daily attendance throughout the term limited for their sittings as aforesaid, they may be at liberty to adjourn for any time within the same that may be consistent with the dispatch of such business as may be brought before them.

Notices to be put up in the offices of the Clerks of the Peace, and produced to the Commissioners.

VIII. *And be it further enacted by the authority aforesaid*, That the said Commissioners shall not proceed to examine any such claim or claims as aforesaid, unless notice specifying such claim or claims, and the name or names of the claimant or claimants, together with the number of the lot or lots, and the concession or concessions, with the name or names of the Township or Townships in which the Lands so claimed do lie, be put up in some conspicuous part of the office of the Clerk of the Peace for the District in which any such lot or lots may be respectively situated, and until a certificate

cate shall be produced to the said Commissioners, under the hand of the Clerk of the Peace of such District, that such notice had been so put up for at least thirty days before the said claim or claims shall come to be heard before the said Commissioners: and for putting up such claim; and giving such certificate, it shall and may be lawful for the Clerks of the Peace to ask and receive the sum of two shillings and six pence, and no more.

IX. *And be it further enacted by the authority aforesaid,* That in all cases in which, before the Commissioners shall have proceeded to decide upon the right to any particular lot or tract of Land, two or more notices, by different persons, shall have been fixed up in the office of the Clerk of the Peace, claiming adversely such particular lot or tract of Land, it shall and may be lawful to and for such Commissioners to defer or delay the hearing of such adverse claims, or either of them, and to give to all, any, or either of such claimants, such further or enlarged time for the production of evidence, and for the decision of such claim or claims, as such Commissioners shall deem expedient to justice.

Proceedings of the Commissioners upon adverse claims.

X. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or any three of them, of whom the said Chief Justice, or one of the said Justices shall be one, shall have power and authority, when and so often as the nature and circumstances of the case shall require it, to issue one or more commission or commissions, for the examination of witnesses, touching any such claim or claims as aforesaid, as may be brought before them.

Commissions when to be issued for the examination of witnesses.

XI. *And be it further enacted by the authority aforesaid,* That in case any person or persons, who shall appear before the said Commissioners, to give evidence respecting any such claim or claims as aforesaid, shall wilfully or corruptly forswear him, her, or themselves, in giving such evidence, he, she, or they shall incur the like pains and penalties, as would have been incurred upon a conviction of wilful and corrupt perjury, in any evidence given in His Majesty's Court of King's Bench in this Province, in any cause there depending.

Penalty of swearing falsely before the Commissioners.

XII. *And be it further enacted by the authority aforesaid,* That in all cases in which witnesses shall have duly appeared, to give evidence before such Commissioners, either voluntarily or in obedience to such summons as aforesaid, it shall and may be lawful to and for said Commissioners, to order and direct the party or parties who shall have produced such witness or witnesses, to pay such witness or witnesses, for his, her, or their loss of time and expenses, such sum or sums of money as the said Commissioners in their judgment shall deem equitable and just, which order the party or parties, upon whom the same shall be made, is, and are, and he, she, and they, is and are hereby required and enjoined to obey, and such sum or sums of money, shall and may be recovered, and recoverable, under and by the authority of this Act, by action or suit in any of His Majesty's Courts of Justice in this Province, due regard being had to their respective jurisdictions.

Costs to be allowed by the commissioners to witnesses, and how to be recovered.

Clerk to be appointed by the commissioners.

Fees allowed to the Clerk.

XIII. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall have power and authority to employ some fit and proper person as Clerk to the said Commission, and that such Clerk shall be authorised to ask and receive for setting down; for hearing any claim, and for making up a report of the same, the sum of five shillings.

For a copy of the order respecting each claim, two shillings and six pence.

For every summons, signed by one or more Commissioner or Commissioners, for the attendance of any witness or witnesses, two shillings and six pence.

For every commission for the examination of witnesses, twenty shillings.

Act to be read at the General Quarter Sessions of the Peace.

XIV. *And be it further enacted by the authority aforesaid,* That this Act shall be read by the Clerk of the Peace, at the opening of every General Quarter Sessions of the Peace, which shall be held in each and every District of this Province, during the term for which it shall continue to be in force.

Continuance of this Act.

XV. *And be it further enacted by the authority aforesaid,* That this Act shall continue and remain in force until the first day of April in the year of Our Lord one thousand eight hundred and eight, and no longer.

C H A P. III.

An Act to Regulate the TRIAL of Controverted Elections, or RETURNS of MEMBERS to Serve in the HOUSE of ASSEMBLY.

[2d March, 1805.]

Preamble.

On complaints of undue election, a time to be fixed for considering thereof.

WHEREAS the present mode of decision in this Province, upon Petition complaining of undue Elections, or Returns of Members to serve in the Parliament thereof, is defective, for want of those sanctions and solemnities which are established by law in other trials, and is attended with many inconveniences : For remedy thereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That every Petition complaining of an undue Election, or return of a Member, or Members, to serve in the House of Assembly, shall contain the grounds and reason of complaint, and in case the House of Assembly shall think such grounds and reasons (if true) sufficient to make the Election void, a day and hour shall, by the said House be appointed, for taking the same into consideration, and notice thereof, in writing, shall be forthwith given

given by the Speaker, to the petitioners, and the sitting Member, or Members, or their respective agents, accompanied with an order to them to attend the House at the time appointed, either in person, or by their counsel or agents.

II. *Provided always*, That no such Petition shall be taken into consideration within fourteen days after the same shall have been first read in the House by the Clerk, unless by consent of parties.

Time of taking the petition into consideration.

III. *And be it further enacted by the authority aforesaid*, That at the time appointed for taking such petition into consideration, and after reading the order of the day for that purpose, the House shall be cleared, and the Members thereof (excepting the Member or Members whose election shall be contested) with the Speaker, shall be sworn at the Table, well and truly to try the matter of the petition referred to them, and a true judgment give, according to the evidence; the Speaker shall then take the chair, the doors shall be opened, and the petitioners, their counsel, or agent shall attend.

Manner of taking the said petition into consideration.

IV. *And be it further enacted by the authority aforesaid*, That the witnesses for the petitioners shall be ordered by the Speaker to retire without the House, and the petitioners, their counsel, or agent, shall call them in one by one, for examination, and each and every witness, as aforesaid, shall be sworn at the Bar of the House, and the names of the witnesses, for either party, shall be given in to the Clerk of the House, before they are sworn.

Method of examining witnesses for the petitioner.

V. *And be it further enacted by the authority aforesaid*, That after the witnesses for the petitioners shall have been fully examined, the sitting Member, or Members, shall be requested by the Speaker, to make a defence, and the witnesses for the said sitting Member or Members, shall be ordered to retire, shall be separately called in for examination, and shall be sworn in manner aforesaid; *Provided nevertheless*, That whenever any Member of the House shall be a witness for either party, he shall not be obliged to retire, as aforesaid; but he shall be sworn in his place.

Method of examining witnesses for the sitting Member.

VI. *And be it further enacted by the authority aforesaid*, That the said sitting Member or Members, whose election shall be contested, as aforesaid, shall not be allowed to vote upon any question, which shall arise in the course of the trial, or upon the determination thereof.

Sitting Member not allowed to vote in course of the trial.

VII. *Provided always*, That no such determination as aforesaid, shall be made, nor any question be proposed, unless there be a quorum of the House; and no Member shall have a vote on such determination, or any other question, or resolution, who has not attended during the whole of the trial.

No Member to vote who has not attended during the whole of the trial.

VIII. *And be it further enacted by the authority aforesaid*, That the oaths by this Act directed to be taken, shall be administered by the Clerk of the House, and that any person who shall be guilty of wilful and corrupt perjury, in any evidence which he shall give before the House, in consequence of the oath, which he shall have taken by the direction of this Act, shall, on conviction

Persons swearing falsely, shall incur the penalties of perjury.

thereof,

thereof, incur, and suffer the like pains and penalties, to which any other person convicted of wilful and corrupt perjury is liable, by the laws and statutes of this Province.

C H A P. IV.

An Act to ratify and confirm certain PROVISIONAL ARTICLES of Agreement, entered into by the respective COMMISSIONERS of this Province and Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relating to DUTIES, and for carrying the same into effect; and also to continue an Act passed in the thirty-ninth year of His Majesty's Reign, and continued by an Act passed in the forty-first year of His Majesty's Reign.

[Expired. See 58th Geo. III. c 13.]

C H A P. V.

An Act to alter certain parts of an Act, passed in the forty second year of His Majesty's Reign, intituled, "*An Act to PROVIDE for the ADMINISTRATION of JUSTICE, in the District of NEWCASTLE.*"

[2d March, 1805.]

Preamble.

WHEREAS the place appointed by Law, for building a Gaol and Court House, in the District of Newcastle, is inconvenient for the inhabitants of the said District; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of an Act, passed in the forty-second year of His Majesty's Reign, intituled, "An Act to provide for the administration of Justice in the District of Newcastle," as directs, that a Gaol and Court House shall be built in the Town of Newcastle, shall be repealed, and that it shall and may be lawful for His Majesty's Justices of the Peace in and for the said District of Newcastle, or the greater part of them, in the first General Quarter Sessions after the passing of this Act, assembled, to appoint some fit and proper place, in either of the Townships of Haldimand, or Hamilton, within the said District of Newcastle, where a Gaol and Court House may be built, in the same manner that a Gaol and Court House is at present directed to be built, within the said Town of Newcastle, any law to the contrary notwithstanding.

Part of an Act passed in the 42d year of His Majesty's Reign repealed.
(42d Geo. III. c 2.)

Magistrates of the District of Newcastle to appoint a proper place in the townships of Haldimand or Hamilton, for building of a gaol and court-house.

II. *Provided*, That nothing in this Act shall extend, or be construed to extend, to authorise the said Justices of the Peace, to fix the place for building the said Gaol and Court House, on any reserve of the Crown or Clergy, or on Land belonging to any person or persons, without permission first obtained from the Government, or from the owner or owners of said Land.

Gaol and Court-House not to be built on any reserve; or on private property, without permission.

III. *Provided always, and be it further enacted by the authority aforesaid*, That unless such Gaol and Court House shall be built and finished within two years from the passing of this Act, so that prisoners may be confined in the one, and the different Courts of Justice be properly accommodated in the other, then, and in such case, this Act shall be, and the same is hereby declared to be null and void.

Gaol and Court-House to be built within two years.

C H A P. VI.

An Act to make provision for further appointments of PARISH and TOWN OFFICERS throughout this Province.

[2d March, 1805.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That so much of the fifth clause of an Act passed in the thirty-third year of His Majesty's Reign, intituled "An Act to provide for the nomination and appointment of Parish and Town Officers, within this Province" as limits the number of Overseers of Highways, to be chosen under and by virtue of the authority of that Act, to six, be and the same is hereby repealed.

Part of the 33d of Geo. 3d repealed.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the inhabitant householders, assembled under and by virtue of the authority of the said Act, in their annual Town Meetings, to choose and nominate, under, and agreeably to the provisions of the said Act, not less than two, nor more than *twelve* (a) persons, to serve the said office of Overseers of the Highways, for such Parish, Town, or Township.

Number of overseers of the Highways to be chosen at the Town Meetings.

(a) See 60 Geo. III. c. 8
(See 33 Geo. III. c. 2.)

C H A P. VII.

An Act for the relief of INSOLVENT DEBTORS.

[2d March, 1805.]

Preamble.

Prisoner in execution for debt, not worth five pounds, shall receive from the plaintiff five shillings weekly, so long as he shall be detained in prison for such debt.

WHEREAS no special provision has been made by law, since the division of the Province of Quebec, for the support of Insolvent Debtors detained in execution; and whereas it is inexpedient that the support of such, should depend upon the District, or the precarious charity of individuals: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That if any prisoner, in execution for debt, shall apply to the Court, whence such execution issued, and make oath, that he or she, is not worth Five Pounds, the plaintiff, at whose suit he or she is detained, shall be ordered by the said Court, by rule, to be served on the plaintiff or the attorney, to pay to the defendant in execution, the sum of five shillings, weekly maintenance, so long as he, or she shall be detained in prison, at the suit of the plaintiff, and that such payment shall be made in advance, to the prisoner or gaoler, for his or her use, on Monday in every week; on failure of which, the Court from whence the execution issued, shall order the defendant to be released. *Provided always*, That the plaintiff shall not be obliged to make such payment, if he can prove, to the satisfaction of the Court, that the defendant has secreted, or conveyed away, his or her effects, to defraud his or her creditors.

C H A P. VIII.

An Act to regulate the CURING, PACKING and INSPECTION of BEEF and PORK.

[2d March, 1805.]

Preamble.

WHEREAS by a law of the Province of Lower Canada, it has become necessary for such persons in this Province, as may deem it proper to cure and pack Beef and Pork for foreign markets, to have the same cured and packed, under the authority of a law of this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign,

Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, from time to time, as to him may seem reasonable, to appoint one or more capable persons in each of the Districts of this Province, to be Inspector or Inspectors, of Beef and Pork, who shall thereupon be the Inspector or Inspectors for putting this Act in execution, with all the powers, and subject to all the penalties herein after described, and each of the Inspectors, before he enters upon the execution of his office, shall take and subscribe an oath before one of His Majesty's Justices of the Peace, in and for the District in which he shall reside, which oath, the said Justice is hereby authorised to administer, in the words following, viz. "I do solemnly swear, that I will faithfully, truly, and impartially, to the best of my judgment, skill, and understanding, execute, do, and perform, the office and duty of an Inspector, Packer, and Repacker of Beef and Pork, according to the true intent and meaning of an Act, intituled, 'An Act to regulate the curing, packing, and inspection of Beef and Pork,' and that I will not, directly or indirectly, brand, or suffer any cask of Beef or Pork to be branded, but what shall be sound and good," which oath he shall file, or caused to be filed, in the office of the Clerk of the Peace, for the District in which he shall be appointed Inspector, and the Inspector or Inspectors of each and every District in this Province, in the month of June in every year, shall make a return to the Governor, Lieutenant Governor, or person administering the Government of this Province, of the whole number of barrels of Beef and Pork inspected by him, or them, according to the direction of this Act, during the year preceding, designating the different sorts of Beef and Pork, and the District in which the same was inspected.

Appointment of Inspectors of Beef and Pork.

Oath of the Inspectors.

II. *Provided always, and be it further enacted by the authority aforesaid,* That no person to be hereafter appointed an Inspector of Beef or of Pork, under the authority of this Act, shall deal in, buy, barter, or exchange any Beef or Pork, by him inspected, or to be inspected, under pain of the commission under which he acts, being null and void, except such Beef or Pork as may be necessary for the consumption of his own family.

Inspector not to be a dealer in beef or pork.

III. *And be it further enacted by the authority aforesaid,* That no Beef shall be hereafter packed or re-packed in barrels, for foreign markets, unless it be of fat cattle, not under three years old, and that all such Beef shall be cut in square pieces, as near as may be, not exceeding twelve pounds weight, nor less than four pounds weight; and that all Beef which the said Inspectors shall find, on examination, to have been killed at a proper age, to be fat and merchantable, shall be sorted and divided in three different sorts, for packing and re-packing in barrels, to be denominated Mess, Prime, and Cargo; Mess Beef shall consist of the choicest pieces of oxen, cows, or steers, well fattened; the shin, shoulder, and neck, shall be taken from the fore-quarters, and the legs and leg rounds from the hind-quarters; and each barrel containing beef of this description, shall be branded on one of the heads

Quality of the beef to be packed.

Manner of sorting it

heads with the words, **MESS BEEF**; that Prime Beef shall consist of choice pieces of oxen, steers, cows, and heifers, amongst which there shall not be more than half a neck, and one shank, with the hock cut off; and one of the heads of all barrels, containing Beef of this description, shall be branded with the words **PRIME PORK**; that Cargo Beef shall consist of fat cattle of all descriptions, of three years old and upwards, with not more than half a neck, and three shanks without the hocks in each barrel, and shall be otherwise merchantable, and such barrel shall be branded on one of the heads with the words, **CARGO BEEF**; and every barrel of Beef shall be well salted, with not less than forty pounds of clean Saint Ubes, Isle of May, Lisbon, Turk's Island salt, or other salt of equal quality, exclusive of a pickle, made as strong as salt will make it, and to each barrel of Beef shall be added, not less than two ounces of saltpetre.

Barrels to be branded.

Mode of pickling of beef.

Quality and size of the barrels for packing of beef.

IV. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, every barrel in which Beef shall be packed, or re-packed, shall be made of good seasoned white oak staves and heading, free from every defect, and shall contain two hundred pounds weight of Beef, and shall not be of a larger guage than thirty gallons, and shall be hooped with fourteen good ash, hickory, or oak hoops, the heads to be made of good thick stuff, the hoops to be well set and drove.

Manner in which barrels of beef and pork shall be branded.

V. *And be it further enacted by the authority aforesaid*, That one head of every barrel, in which Beef or Pork is packed, or re-packed for foreign market, shall be branded with the weight it contains, the Inspector's name, who shall have inspected the same, with the name of the District where it was inspected, and also the addition of Upper Canada, in legible letters.

No Inspector to act out of his District.

VI. *And be it further enacted by the authority aforesaid*, That no Inspector appointed by virtue of this Act, shall inspect or brand any cask of Beef or Pork, out of the limit or District for which he shall be appointed, under the penalty of twenty shillings.

Penalty for refusing or neglecting to inspect.

VII. *And be it further enacted by the authority aforesaid*, That if any Inspector of Beef or Pork, not then employed in the inspection and examination of Beef or Pork, according to the duties prescribed by this Act, or who shall not be incapacitated by sickness, shall, on application, on lawful days, and reasonable hours, to him made, for the examination of any Beef or Pork, as aforesaid, refuse, neglect, or delay to proceed to such examination and inspection, for the space of two days after such application so made to him, the Inspector so refusing, neglecting, or delaying to make such examination and inspection, shall, for each offence, forfeit the sum of Forty Shillings, current money of this Province, to the use of the person or persons injured by such delay.

Fees of the Inspector.

VIII. *And be it further enacted by the authority aforesaid*, That every Inspector shall receive One Shilling and Six Pence, current money, of this Province, for each barrel of Beef or Pork he shall salt, pack, inspect and pickle, exclusive of cooperage: and for every mile the said Inspector shall travel, he shall

shall be entitled to receive the sum of Six Pence, all which salting, packing, inspecting, pickling, and travelling, shall be paid by the person or persons by whom he shall be employed.

IX. And be it further enacted by the authority aforesaid, That if any of the Inspectors appointed by virtue of this Act, shall be guilty of any neglect or fraud, in inspecting any Beef or Pork, contrary to the true intent and meaning of this Act, or shall brand any cask containing Beef or Pork, which has not been actually inspected agreeable to this Act, he or they, shall for every such offence, forfeit a sum not exceeding Forty Shillings, current money of this Province, in case of neglect, and shall forfeit the sum of Twenty Pounds of like money, and be dismissed from his office, in case of fraud.

Penalty for negligence or fraud in inspecting.

X. And be it further enacted by the authority aforesaid, That if any person or persons shall intermix, take out, or shift any Beef or Pork, out of any cask inspected or branded, as by this Act is required, or put in any other Beef or Pork for sale, contrary to the intention of this Act, the person or persons so offending, shall, for every such offence, forfeit the sum of Ten Pounds; current money of this Province.

Penalty for intermixing beef or pork after branded.

XI. And be it further enacted by the authority aforesaid, That if any person or persons shall counterfeit any of the aforesaid brand-marks, or impress, or brand the same on any cask, or casks of Beef or Pork, he, she or they, being thereof lawfully convicted, shall forfeit the sum of Twenty Pounds, current money of this Province.

Penalty for counterfeiting brand marks.

XII. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, every barrel in which Pork shall be packed, or repacked for foreign markets, shall be made of good, seasoned white oak staves and heading, free from every defect, and each barrel shall contain two hundred pounds weight of Pork, and shall not be of a larger guage than thirty gallons, and the said barrels, in every respect, shall be hooped, and made in the same manner as in this Act provided, for barrels for packing and repacking Beef.

Quality and size of the barrels for packing of pork.

XIII. And be it further enacted by the authority aforesaid, That there shall be two qualities of Pork, known and distinguished by the names of Mess and Prime Pork, Mess Pork shall consist of the rib pieces of good fat hogs only; barrels containing such Pork, shall be branded on one of the heads, with the words, Mess Pork; Prime Pork shall consist of the next best pieces, with not more than six shoulders, or legs, with the shanks cut off, in one barrel, and one of the heads of every such barrel shall be branded with the words, Prime Pork; and the Pork so to be packed, shall be cut in pieces, as nearly square as may be, provided that all Mess Pork and Prime Pork, shall be cut, as nearly as possible, in pieces of four pounds weight, and that each barrel of Pork shall be salted, with not less than fifty pounds of the same quality of salt, and the same kind of pickle, and to each barrel of Pork shall be added, not less than two ounces of salt petre, as in this Act is provided, for packing and inspecting of Beef, and that each barrel of Pork,

Quality of the pork to be packed, and manner of sorting it.

Manner of pickling it

when

when so inspected and packed, shall be branded in the same manner, as in this Act is provided, for branding of Beef, designating the different qualities, or denominations herein described.

Certificates to be given by the Inspector.

XIV. *And be it further enacted by the authority aforesaid,* That for all Beef and Pork, that shall be inspected in this Province, the Inspector, who shall have inspected the same, shall give unto the owner, or his agent, a certificate, under his hand and seal, certifying that such Beef or Pork is in every respect packed and branded agreeable to the laws of the Province of Upper-Canada, which certificate may be in the following form :

" I do hereby certify, that I have inspected barrels of Cargo, Mess, or Prime Beef, or Mess or Prime Pork, (as the case may be,) the property of and that the said Mess, Prime or Cargo Beef, Mess or Prime Pork, is in every respect packed and branded, agreeable to the laws of the Province of Upper Canada."

No person compelled to have his beef or pork inspected.

XV. *And be it further enacted by the authority aforesaid,* That nothing in this Act shall extend, or be construed to extend, to compel any person or persons, who may export Beef or Pork from this Province, to have the same inspected, unless he, or they shall think proper so to do.

Fines and forfeitures under this Act, how recoverable, and in what manner disposed of.

XVI. *And be it further enacted by the authority aforesaid,* That all the fines and forfeitures, by this Act imposed, shall be recoverable with costs, in a summary way, to be proceeded upon, and be examined into, heard, adjudged, and determined, by the Magistrates, in Quarter Sessions assembled, and in order thereto, it shall and may be lawful, to, and for any one of His Majesty's Justices of the Peace, within the District wherein the offence has been committed, to summon any person or persons to appear at the next General Quarter Sessions of the Peace, to be holden in and for such District, and the Magistrates in Quarter Sessions assembled, are hereby fully authorised, empowered and required upon the appearance, or default, of such person or persons, so to be summoned, to examine into the cause of such complaint, and thereupon, to proceed to give judgment, the one moiety of all such fines and forfeitures (except such as are herein before otherwise applied) when recovered, shall be immediately paid into the hands of the Receiver General, for the use of His Majesty, towards the support of the Government of this Province, and shall be accounted for to His Majesty, through the Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty shall direct, and the other moiety to the Inspector, or person who shall sue for the same.

Limitation of time for commencing of actions for any thing done in pursuance of this Act.

XVII. *And be it further enacted by the authority aforesaid,* That if any action or suit, shall be commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit, shall be commenced within the space of six calendar months next after the offence shall have been committed, and not afterwards; and the defendant or defendants, may give this Act, and the special matter, in evidence, at the trial to be had thereupon, and that the same was done in pursuance, and by authority of this

this Act; and if it shall appear so to have been done, then the Court shall find for the defendant or defendants, and if the plaintiff shall be non-suited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given against the plaintiff, the defendant or defendants shall, and may recover treble costs, and have the like remedy for the same, as defendants have in other cases by law.

C H A P. IX.

An Act for applying a Certain Sum of MONEY therein mentioned, to make good Certain MONIES issued and advanced by His Majesty, through the Lieutenant Governor, in pursuance of two addresses.

[2d March, 1805.]

£274 18 3 4 granted to reimburse Isaac Sweeney for monies expended in the purchase of Hemp, and to defray the contingent expenses of last Session.

C H A P. X.

An Act to amend an Act, passed in the forty-fourth year of His Majesty's Reign, intituled, "*An Act for granting to His Majesty, a certain sum of MONEY, for the further encouragement of the GROWTH and CULTIVATION of HEMP within this Province, and the EXPORTATION thereof.*"

[2d March, 1805.]

[*Repealed by 53rd Geo. III. c 7.*]

STATUTES
OF
UPPER-CANADA,

**PASSED IN THE SECOND SESSION OF THE FOURTH PROVINCIAL
PARLIAMENT,**

**MET AT YORK, ON THE FOURTH DAY OF FEBRUARY, AND PROROGUED ON THE THIRD
DAY OF MARCH FOLLOWING, IN THE FORTY-SIXTH YEAR
OF THE REIGN OF GEORGE III.**

ALEXANDER GRANT, Esquire, President.

ANNO DOMINI 1806.

C H A P. I.

An Act to make PROVISION for certain SHERIFFS in this Province.

[3rd March, 1806.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it is necessary to make some provision for such Sheriffs in this Province, who have no Salaries established by law; may it please Your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, there shall be granted annually to His Majesty, his Heirs

Heirs and Successors, the sum of three hundred pounds currency, out of the Provincial Treasury, from such monies now remaining, or which may hereafter come into the Receiver General's hands, unappropriated, which said sum of three hundred pounds shall be appropriated and applied for the payment of Salaries, to the persons hereafter mentioned, in manner following, (that is to say,) to the Sheriffs of the Eastern and Western Districts, and the Sheriffs of the Districts of London, Niagara, Newcastle, and Johnstown, for the time being, the sum of fifty pounds respectively.

300*l* to be applied for the payment of Salaries to the Sheriffs of the Eastern and Western Districts, of the Districts of London, Niagara, Newcastle, & Johnstown.

II. *And be it further enacted by the authority aforesaid*, That the Sheriff of each and every District in this Province, shall give a Bond jointly and severally with two sufficient Sureties, to His Majesty, his Heirs or Successors, in the sum of one thousand pounds, with a condition, that the same shall be void if the said Sheriff shall pay over all money which he may collect, either to His Majesty, his Heirs and Successors, or to any person who may be entitled to the same. *Provided however*, That nothing herein contained shall extend, or be construed to extend, to debar any person or persons from having his, her, or their remedy against such Sheriff or Sheriffs, for any breach of duty, in such manner as is or may be provided by any law or usage now in force.

Bond in the penal sum of 1000*l*. to be given by all Sheriffs in this Province, conditioned for the payment of monies collected by them, &c.—not to bar any other remedy against Sheriffs by Laws now in force for breach of their duty.

III. *And be it further enacted by the authority aforesaid*, That the monies hereby granted to His Majesty, shall be paid by the Receiver General in discharge of such Warrant or Warrants, as shall for the purposes aforesaid, be from time to time issued by the Governor, Lieutenant Governor or Person administering the Government; and the said Receiver General shall account to His Majesty for the same, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

Governor, &c. to issue warrants.

Receiver General to account, &c.

IV. *And be it further enacted by the authority aforesaid*, That this Act shall be, and continue in force eight years, from and after the passing of the same, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

Continuance of this Act.
Continued by 54 Geo. III. c. 9, & 57th c. 8.

C H A P. II.

An Act to repeal an Act passed in the thirty-fifth year of His Majesty's Reign, intituled, "*An Act to regulate the Practice of PHYSIC and SURGERY.*"

[3rd March, 1806.]

[Repeals 35th Geo. III. c. 1.]

C H A P. III.

An Act to procure certain APPARATUS for the Promotion of SCIENCE.

[3rd March, 1806.]

MOST GRACIOUS SOVEREIGN,

Preamble.

£400 appropriated
for the purchase of in-
struments for illustrat-
ing the principles of
Natural Philosophy &c.

MAY it please Your Majesty, whereas it is of importance to the welfare of this Province, that the rising generation may be furnished with the means of such instruction as may render them useful members of the Community, We, your Majesty's most dutiful and loyal subjects, the Commons of this Province in Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties already raised and collected, or hereafter to be raised and collected, to and for the uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of four hundred pounds out of the Provincial Treasury, from such monies now remaining, or which hereafter may come into the Receiver General's hands unappropriated; which said sum of four hundred pounds shall be appropriated and applied in purchasing a collection of Instruments suitable and proper for illustrating the principles of Natural Philosophy, Geography, Astronomy, and the Mathematics, for the use of this Province, in such manner as the Governor, Lieutenant Governor, or person administering the Government of this Province shall think proper to direct.

Such Instruments to
be deposited in the
hands of a person em-
ployed in the education
of youth.

II. *And be it further enacted by the authority aforesaid,* That the Governor, Lieutenant Governor, or person administering the Government of this Province, is hereby authorized and empowered to deposit the said Instruments (under such conditions as he shall deem proper and expedient) in the hands of some person employed in the education of youth in this Province, in order that they may be as useful as the state of the Province will permit.

Receiver General to
account for the said
sum of £400 &c.

III. *And be it further enacted by the authority aforesaid,* That the Receiver General shall account to His Majesty for the said sum of four hundred pounds, through the Commissioners of His Majesty's Treasury, for the time being, in such manner as His Majesty shall direct.

C H A P. IV.

An Act to repeal an Act passed in the forty-fourth year of His Majesty's Reign, intituled, "*An Act for granting to His Majesty a Certain Sum of MONEY out of the Funds applicable to the uses of this Province, to defray the Expenses of amending and repairing the PUBLIC HIGHWAYS and ROADS, laying out and opening NEW ROADS and building BRIDGES in the several Districts thereof,*" and to make further provision for the opening and amending the said Roads.

44th Geo. III. c. 6.

[3rd March, 1806.]

[Expired.]

C H A P. V.

An Act to alter and amend an Act passed in the thirty-third year of His present Majesty's Reign, intituled, "*An Act to provide for the Nomination and Appointment of PARISH and TOWN OFFICERS,*" and also to repeal certain parts of an Act passed in the thirty-third year of His present Majesty's Reign, intituled, "*An Act to authorise and direct the laying and collecting of ASSESSMENTS and RATES in every District in this Province, and to provide for PAYMENT of WAGES to the MEMBERS of the HOUSE of ASSEMBLY.*"

33d Geo. III. c. 2 & 33d c. 3.

[3rd March, 1806.]

WHEREAS an Act of the Parliament of this Province, passed in the thirty-third year of His present Majesty's Reign, intituled, "*An Act to provide for the Nomination and Appointment of Parish and Town Officers within this Province,*" requires to be amended, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That from and after the passing of this Act, if any person or persons, who shall be chosen at any Town Meeting as a Town Clerk, Assessor, Overseer of the Highway, Pound Keeper, or Town Warden, shall die within the year for which he shall be chosen, or shall leave the Township or Parish; it shall and may be lawful for the Justices of the Peace in Quarter Sessions assembled, or the majority of them, to nominate and appoint a fit and proper person to fill the vacancy occasioned by such death or removal.*"

Preamble.

If any Town Clerks, Assessors, &c. shall die, or leave the Township or Parish, within the year for which they shall be chosen, Quarter Sessions to fill the vacancy.

II. And be it further enacted by the authority aforesaid, That when from any neglect, a Town Meeting shall not be holden on the first Monday in March (a) in any Township, or united Townships in this Province, it shall and may be lawful for the Justices of the Peace in Quarter Sessions assembled, for the District in which such Township, or united Townships are situated,

If no Town Meeting held on the first Monday in March, Quarter Sessions to nominate and appoint Parish and Town Officers.

(a) See 57th Geo. III. c. 7. s. 2.

ate, or the majority of them, to nominate and appoint the said Parish and Town Officers of such Township, or united Townships until the next Town Meeting.

After such nomination and appointment, notice to be given to Parish and Town Officers to take the Oath of Office.

III. *And be it further enacted by the authority aforesaid,* That the Clerk of the Peace shall, within eight days after such nomination and appointment, send a written notice to each and every Parish and Town Officer so nominated and appointed as aforesaid, requiring him to appear before some one of His Majesty's Justices of the Peace (in the District in which such Quarter Sessions are holden) within eight days after the receipt of such notice, and take the Oath of Office, which oath, or in the case of the people called Quakers, Menonists or Tunkers, Affirmation, any Justice of the Peace as aforesaid, shall, and is hereby required to administer in the following form :

Form of the Oath.

" You A. B. do promise and swear (or affirm, as the case may be) that you will faithfully, diligently and justly serve and perform the office and duties of for the of for the year ensuing, according to the best of your abilities.—So help you God."

Compensation to constables for serving such notice.

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of any Constable, upon the request of the Clerk of the Peace, to serve such notice : and the Constable for such service shall be entitled to such compensation as the said Justices of the Peace, or the majority of them, in Quarter Sessions assembled, shall think proper.

Forfeiture of forty shillings by persons nominated and appointed by the Quarter Sessions to Parish and Town Offices, refusing to take the oath of office, or affirmation, &c.

V. *And be it further enacted by the authority aforesaid,* That if any person or persons who shall be so nominated and appointed by the Justices of the Peace, or the majority of them, in Quarter Sessions assembled, in each and every District of the Province, shall refuse or neglect to repair to a Justice of the Peace in manner aforesaid, and take the said Oath of Office (or affirmation being a Quaker, Menonist or Tunker) the said person or persons so neglecting or refusing, shall forfeit and pay the sum of forty shillings, lawful money of this Province, with costs, upon conviction before the Court of Quarter Sessions ; and the said Justices of the Peace, or the majority of them, in Quarter Sessions assembled, shall and may, upon such refusal or neglect appoint other persons, and impose the like fine as often as the case may require.

33d of Geo. III. c 3, sect. 24, so far as requires the collector of every parish and township, &c. to give a bond to the Church & Town Wardens of 100*l.* repealed.

VI. *And be it further enacted by the authority aforesaid,* That so much of an Act passed in the thirty-third year of His present Majesty's Reign, intituled, " An Act to authorise and direct the laying and collecting of Assessments and Rates in every District in this Province, and to provide for the payment of Wages to the Members of the House of Assembly," as requires a Collector to give a Bond to the Church or Town Wardens, of one hundred pounds, shall be, and the same is hereby repealed.

Collector nominated by any Town Meeting to enter into a bond &c. 5*s.* to be allowed to the Clerk of the Peace, for drawing of the Bond.

VII. }
VIII. } [Repealed by 48th Geo. III. c 14, s 1.]

IX. *And be it further enacted by the authority aforesaid, That if any Collector for any Township, or united Townships, shall neglect or refuse to give such Bond within one month as aforesaid, it shall and may be lawful for the Justices of the Peace at the next General Quarter Sessions, or the majority of them, to appoint a Collector for the said Township or united Townships; and in the event of refusal, to appoint another as often as the case may require; and the said Collector so to be appointed by the Justices. as aforesaid, shall give the like Bond that is herein directed to be given by the Collector chosen and nominated at the Town Meeting.*

If collector refuse to give such bond, Quarter Sessions to appoint another collector, who shall give the like bond.

X. [*Repealed by 48 Geo. III. c 14, s 1.*]

One shilling for every mile to be allowed to every collector in going to give such bond

XI. *And be it further enacted by the authority aforesaid, That in addition to the sum of three pounds for every hundred pounds now allowed to the Collector, it shall and may be lawful for the Treasurer of each and every District, to pay to each and every Collector the further sum of two pounds on every hundred pounds which shall be collected and paid by him to the said Treasurer.*

6l. to be allowed to the collector for every 100l. by him collected and paid over.

XII. *And be it further enacted by the authority aforesaid, That if at any time it shall happen, that through the neglect or refusal of any person or persons, appointed under the authority of this Act, or otherwise, the Assessment or Rate of any Township or united Townships, shall not have been collected within the year for which such Assessment or Rate was made, it shall and may be lawful for the Collector of the year ensuing, and he is hereby authorised and required to levy the Rate and Assessment so in arrears.*

Collector to levy rates and assessments in arrears for preceding years

XIII. *And be it further enacted by the authority aforesaid, That all and every Officer and Officers appointed under and by virtue of this Act, shall be, and they are hereby declared to be vested with the same powers, and liable to the same penalties, as such Officer or Officers now are under, by virtue of any other Act or Acts of the Legislature of this Province, except where it is in this Act especially provided for.*

Powers of the officers appointed under this Act: penalties to which they are liable.

XIV. *And be it further enacted by the authority aforesaid, That the fines and forfeitures that shall or may be incurred under and by virtue of this Act, shall be levied, applied, and accounted for, in the same manner as the fines and forfeitures under the aforesaid Act "To provide for the nomination and appointment of Parish and Town Officers," are directed to be levied, applied and accounted for.*

Manner in which the fines and forfeitures under this Act are to be levied, applied and accounted for.
(See 33d Geo. III. c 2)
(See 50th Geo. III. c 1, s 14)

C H A P. VI.

43 Geo. III. c 9. An Act to continue an Act passed in the forty-third year of His Majesty's Reign, intituled, "An Act for the better securing to His Majesty, His Heirs and Successors, the due COLLECTION and RECEIPT of certain DUTIES therein mentioned.

[Passed 3d March, 1806.]

Preamble.

WHEREAS, an Act of the Parliament of this Province, passed in the forty-third year of His Majesty's Reign, intituled, "An Act for the better securing to His Majesty, His Heirs and Successors, the due Collection and Receipt of certain Duties therein mentioned," which by experience hath been found beneficial and useful, will shortly expire; therefore for continuing the same: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act of the Parliament of this Province, passed in the forty-third year of His Majesty's Reign, shall be, and is hereby continued.

43d of Geo. 3d, c 9, continued during the term of 2 years.

II. [Repealed by 48th Geo. III. c 8.]

C H A P. VII.

£498 8 6 1-4 to remunerate Commissioners and defray Contingent Expenses of previous Session.

An Act for applying a certain Sum of Money therein mentioned, to make good CERTAIN MONIES issued and advanced by His Majesty through the Lieutenant Governor, in pursuance of several Addresses.

STATUTES OF *UPPER-CANADA,*

PASSED IN THE *THIRD* SESSION OF THE *FOURTH* PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE SECOND DAY OF FEBRUARY, AND PROROGUED ON THE TENTH
DAY OF MARCH FOLLOWING, IN THE FORTY-SEVENTH YEAR
OF THE REIGN OF GEORGE III.

FRANCIS GORE, Esquire, LIEUTENANT GOVERNOR.

ANNO DOMINI 1806.

C H A P. I.

An Act for the RELIEF of CLERKS to ATTORNIES who may have served their Clerk-
ships, without being bound by Contracts in Writing.

Persons who have served, but have not been bound by contracts in writing as Clerks to Attornies for the space of five years, shall notwithstanding on or before the last day of Trinity Term, 1808, be qualified to be sworn and admitted Attornies of the Court of King's Bench.

C H A P. II.

An Act to REPEAL the several Acts now in force giving BOUNTIES for Destroying
WOLVES.

[Repeals the 33rd Geo. III. c 11. and 43rd c 6.]

C H A P.

The Eastern District and Dist. of Johnstown respectively, to pay one half of the monies due upon orders of the Q'r. Sessions of the Eastern Dist. made before the first day of Jan'y. 1800

C H A P. III.

An Act to regulate the Payment of certain DEBTS due by the EASTERN DISTRICT before the establishment of the District of Johnstown.

C H A P. IV.

The 42d Geo. III. c.4. revived and continued for two years.

An Act to Revive and Continue an Act passed in the forty-second year of His present Majesty's Reign, intituled "*An Act to enable the Governor, Lieutenant Governor, or person administering the Government of this Province, to appoint one or more ADDITIONAL Port or PORTIN Place or Places of ENTRY, within this Province, and to appoint one or more COLLECTOR or Collectors at the same, respectively.*"

[Expired.]

C H A P. V.

An Act to authorize Practitioners in the LAW in this Province to take such a number of CLERKS as is therein mentioned.

Preamble.

[10th March, 1807.]

Persons authorized to practice the law may have four Clerks at one time.

WHEREAS it is necessary to facilitate the education of youth in this Province to the profession of the Law: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for all and every person now authorized to practice the profession of the Law in this Province, or who shall be hereafter duly authorized to practice as aforesaid, to take and have four Clerks at one time, and no more, any former law or regulation to the contrary notwithstanding.

C H A P.

C H A P. VI.

An Act to establish PUBLIC SCHOOLS in each and every District of this Province

[10th March, 1807.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it is considered expedient that some means be devised for the education of youth, May it therefore please Your Majesty, that it be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That for the establishment of Public Schools in this Province, the sum of Eight Hundred Pounds shall be annually paid, in manner hereinafter mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied, by authority of Parliament, to or for the uses of this Province.

Preamble.

The sum of eight hundred pounds to be annually paid for the establishment of public schools.

II. *And be it further enacted by the authority aforesaid,* That there shall be one Public School in each and every District of this Province; and that out of the said sum of Eight Hundred Pounds, annually so appropriated as aforesaid, the annual sum of One Hundred Pounds, shall be paid to each and every Teacher, who shall be nominated and appointed to any of the said Public Schools in this Province, for the education of youth, in manner hereinafter mentioned.

One public school in every District.

£100 to be paid annually to every teacher of such public school.

III. *And be it further enacted by the authority aforesaid,* That the Public School for the Western District, shall be opened and kept in the Town of Sandwich. And the Public School for the District of London, shall be opened and kept in the Township of *Townsend* (a), at such place as the Trustees or the majority of them shall think proper to appoint. And that the Public School for the District of Niagara, shall be opened and kept in the Town of Niagara. And that the Public School for the Home District, shall be opened and kept in the Town of York. And that the Public School for the District of Newcastle, shall be opened and kept in the Township of Hamilton, at such place as the Trustees or the majority of them shall think proper to appoint. And that the Public School for the Midland District, shall be opened and kept in the Town of Kingston. And that the Public School for the District of Johnstown, shall be opened and kept in the Township of Augusta, at such place as the Trustees or the majority of them shall think proper to appoint. And that the Public School for the Eastern District, shall be opened and kept in the Town of Cornwall.

Places where the said public schools are to be kept in each respective District.

(a) See 48th Geo. III c. 16. s. 1.

The Governor, Lieutenant Governor or Person administering the government, to appoint trustees in every district for said schools.

Trustees to nominate a fit person as teacher and to report their nomination to the Governor, &c. who may either affirm or reject such nomination.

Trustees may remove any teacher and nominate another, and report as aforesaid.

Governor, &c. may either approve or disapprove of such last mentioned nomination.

Trustees authorised to make rules and regulations respecting said schools.

Mode of payment of the salaries of the said Teachers.

Continuance of this Act.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, to appoint from time to time, not less than five fit and discreet persons in each and every District of this Province, Trustees to the said Public Schools, which said Trustees or the majority of them, shall have full power and authority to nominate a fit and discreet person as Teacher thereof, and to examine into the moral character, learning and capacity of such person so nominated; and being satisfied with the moral character, learning and capacity of such person, it shall and may be lawful for the said Trustees, or the majority of them, to report such their nomination to the Governor, Lieutenant Governor or Person administering the Government of this Province, either to affirm or disaffirm such nomination as aforesaid. *Provided always,* That the said Trustees, or the majority of them, shall have full power and authority, in their discretion, to remove such Teacher, from his Public School, for any misdemeanor, or impropriety of conduct, and that it shall and may be lawful for the said Trustees, or the majority of them, in each and every District of this Province, in case of the demise, dismissal or removal of any Teacher of the said Public Schools, to nominate and appoint, as often as the case may require, one other fit and discreet person, as a Teacher to the said Public School, which Trustees or the majority of them, previous to such nomination and appointment as aforesaid, shall examine into the moral character, learning and capacity of such Teacher, and being satisfied therewith, such appointment shall be immediately transmitted to the Governor, Lieutenant Governor or Person administering the Government of this Province, either to approve or disapprove of the same.

V. *And be it further enacted by the authority aforesaid,* That the Trustees appointed under and by virtue of this Act, in each and every District of this Province, or the majority of them, shall have full power and authority to make such rules and regulations for the good government and management of the said Public Schools, with respect to the Teacher, for the time being, and to the scholars, as in their discretion shall seem meet.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, from time to time, to issue his warrant to the Receiver General of this Province, for the payment of such yearly salary or salaries, half yearly, as shall or may from time to time be due to any Teacher or Teachers appointed under this Act, upon such Teacher or Teachers producing a Certificate signed by the Trustees or the majority of them, of the District of which he shall have so taught or educated youth, of his having faithfully demeaned himself in his office as a Teacher as aforesaid, for and during such time as he shall so require payment for his service.

VII.—[Repealed by 48th Geo. III. c 16.]

C H A P. VII.

An Act to repeal the several Acts now in force in this Province, relative to RATES and ASSESSMENTS, and also to Particularise the PROPERTY, Real and Personal, which during the continuance thereof, shall be subject to Rates and Assessments, and fixing the several valuations at which each and every particular of such property shall be Rated and Assessed.

[Repealed by 51st Geo. III. c 8.]

C H A P. VIII.

An Act for applying certain sums of MONEY therein mentioned to make good certain Monies issued and advanced by His Majesty through his Honor Mr. President Grant, in pursuance of two Addresses.

£151 : 2 : 6 1/2 granted to defray contingent expenses of previous Session.

C H A P. IX.

An Act for granting to His Majesty, DUTIES on LICENCES to HAWKERS, PEDLARS, and PETTY CHAPMEN, and other Trading Persons therein mentioned.

[Repealed by 51st Geo. III. c 2. s 1.]

C H A P. X.

An Act for granting to His Majesty, his Heirs and Successors, to and for the uses of this Province, the like DUTIES on GOODS and MERCHANDIZE brought into this Province from the United States of America, as are now paid on Goods and Merchandize imported from the United States of America into the Province of Lower Canada.

Continued by 49th Geo. III. c 1. (See 55th Geo. III. c 12.)

[Expired.]

C H A P. XI.

An Act to Establish the FEES of the CLERKS of the PEACE, and to regulate the FEES in the several COURTS of QUARTER SESSIONS throughout this Province.

[10th March, 1807.]

Preamble.

Fees allowed to the Clerks of the Peace.

WHEREAS it is proper to establish the Fees of the different Clerks of the Peace in this Province, and that provision be made for the payment of costs arising in the Court of General Quarter Sessions : Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, the following Fees shall be allowed to the different Clerks of the Peace in this Province ; for drawing the Precept and attending commissioners to sign the same, and transmitting it to the Sheriff, one pound : attending each Quarter Session, one pound and ten shillings ; making up the records of each Session, two pounds and ten shillings ; notice of every appointment, one shilling ; list of jurors, every one hundred names, two shillings and six pence ; making up estreats of each Session and transmitting the same to the Inspector General, five shillings ; to be paid out of the District Treasury : every recognizance for the peace or good behaviour, to be paid by the party bound, five shillings ; for discharging the same, two shillings and six pence ; subpoena, two shillings and six pence ; bench warrant, five shillings ; drawing indictment, ten shillings ; allowance of certiorari, to be paid by the person applying for the same, five shillings.

Costs to be paid at the Quarter Sessions by persons convicted.

In what cases prosecutors shall pay costs.

When costs shall be paid by the District.
(See 33rd Geo. III. c. 6.)

II. *And be it further enacted by the authority aforesaid,* That when any person or persons shall be convicted before any Court of Quarter Sessions in this Province, of any assault or misdemeanor, such person or persons so convicted, shall pay the costs of such conviction and prosecution, that shall be allowed and taxed by the said Court ; and when such defendant or defendants shall be acquitted, the prosecutor, unless it shall appear to the said Court that there were reasonable grounds for prosecuting, to be certified by the Chairman, by indorsement on the back of the indictment, in open Court, shall pay such costs of prosecution, as shall be allowed and taxed as aforesaid ; *Provided nevertheless,* That when any defendant or defendants shall be tried on a presentment of the Grand Jury, and shall be acquitted, the costs shall be paid out of the District Treasury ; *Provided nevertheless,* That nothing in this Act shall be construed to extend to deprive the Clerks of the Peace of such Fees as are allowed by any Act of Parliament for other services.

C H A P. XII.

An Act for the Preservation of SALMON.

[10th March, 1807.]

Preamble.

WHEREAS it is found necessary to make provision for the preservation of Salmon, in the Rivers and Creeks of this Province; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, no person or persons in the Home or Newcastle Districts, shall be allowed by setting any net or nets, wear or other engines, to take any Salmon or Salmon Fry, in any River or Creek, or at the mouth or near the mouth of any River or Creek in the said Districts.

II. *And be it further enacted by the authority aforesaid,* That if any person or persons in either of the Districts aforesaid, shall take or catch, or attempt to take or catch by setting any net or nets, wears or other engines, any Salmon or Salmon Fry, in any of the Creeks or Rivers, or at the mouth or near the mouth of any Creek or River in the aforesaid Districts, such person or persons shall forfeit and pay the sum of five pounds for the first offence, and double that sum for every subsequent offence, or in default of payment, shall be committed to the common gaol of the District in which the offence is committed, for the space of one month. *Provided always,* That nothing in this Act shall be construed to prevent persons at any time from taking Salmon with a spear or hook and line.

Penalties for taking
sa. by nets, wears, or
other engines, in the
Home or Newcastle
Districts, Salmon or
Salmon fry.

Salmon may be ta-
ken with a spear or
hook and line.

Penalties how to be
recovered.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any one of His Majesty's Justices of the Peace, upon the oath of any one credible witness, to hear and determine the matter in complaint, and on conviction, under his hand and seal, to cause to be levied of the goods and chattels of such offender or offenders as are herein before mentioned, the sum of Five Pounds for the first offence, and double the sum for every subsequent offence, committed contrary to the intention of this Act, or in default of payment, to commit the offender to the common gaol of the District for one month.

Penalties how to be
distributed and applied.

IV. *And be it further enacted by the authority aforesaid,* That one half of every fine levied, or to be levied by virtue of this Act, shall be given to the informer, and the other half shall be paid into the hands of His Majesty's Receiver General, to and for the public uses of this Province.

(See 50th Geo. III
c. 3.)

STATUTES
OF
UPPER-CANADA,

**PASSED IN THE FOURTH SESSION OF THE FOURTH PROVINCIAL
PARLIAMENT,**

**MET AT YORK, ON THE TWENTIETH DAY OF JANUARY, AND PROROGUED ON THE SIXTEENTH
DAY OF MARCH FOLLOWING, IN THE FORTY-EIGHTH YEAR
OF THE REIGN OF GEORGE III.**

FRANCIS GORE, Esquire, Lieutenant Governor.

ANNO DOMINI 1808.

C H A P. I.

**An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in
being for the RAISING and TRAINING the MILITIA of this Province.**

[Passed 16th March, 1808.]

Preamble.

WHEREAS, a well regulated Militia is of the utmost importance to the defence of this Province; and whereas the Laws now in force for the training and regulating thereof, are in some respects defective; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the government of the Province of Quebec, in North America, and to make further provision for the government of the said Province," and by the authority of the same, That from and after the passing of this Act the Governor, Lieutenant Governor, or person administering the Government of this Province,

vince, shall and may, from time to time, constitute and appoint, under his hand and seal, a sufficient number of Colonels, Lieutenant Colonels, Majors, and other officers, to train, discipline, and command the Militia of this Province, according to the rules, orders, and directions hereinafter mentioned, and the Officers so appointed for the Militia, shall rank with the Officers of such of His Majesty's forces, as may for the time being, serve within this Province, as youngest of their respective rank, which said Officers respectively, shall within six months after their several appointments, take the oath of allegiance to His present Majesty, His Heirs and Successors, before the Magistrates assembled in Quarter Sessions, within the District to which such Officers respectively belong.

Appointment of officers.

Ranks of the Militia officers with officers of His Majesty's forces.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Colonel or Officer commanding any Regiment or Battalion of Militia, and he is hereby required, to specify to each Captain of a Company of his Regiment or Battalion, the limits from within which the Militia-men of such Captain's Company shall be enrolled.

Limits to be specified to each Captain from within which his Company is to be enrolled.

III. *And be it further enacted by the authority aforesaid*, That every male inhabitant from sixteen years of age to sixty, shall be deemed capable of bearing arms, and shall enroll his name as a Militia-man on the first training day on which the said Companies shall be drawn out, in the division or limit in which his place of abode may be, and shall at such meeting give in his name, his age, and place of residence, and if he has thereto but lately removed, he shall make the same known, together with the place from whence he removed, and each and every such inhabitant, who shall not attend and give in his name to the Captain or Officer commanding the Company for such division or limit, so that his name may be enrolled as a Militia-man, shall for such neglect forfeit and pay the sum of ten shillings, to be recovered and applied in manner hereinafter mentioned, *Provided nevertheless*, That no inhabitant shall be convicted of the offence herein described, unless it is proved at the time of trial, that the said inhabitant had been notified, either personally, or by leaving a verbal notice at his usual place of abode, of the time of meeting, at least six days previous thereto. *Provided always*, That no person above the age of fifty years, shall be called upon to bear arms, except on the day of annual meeting, or in time of war or emergency.

Age of persons who shall be enrolled in the Militia.

Manner of enrollment.
(See 56th Geo. III. c. 31. s. 1.)

Penalty for neglecting to be enrolled.

Notice.

Exception as to persons above the age of fifty.

IV. *Provided always, and be it further enacted by the authority aforesaid*, That the neglect of any person so to present himself for enrollment and exercise, shall not be construed to prevent the Captain or Officer commanding the Company of Militia of the limits wherein the place of residence of any such person may be, from entering the name of such person, and such Captain or Officer commanding such Company as aforesaid, is hereby required to enter the name of every such person, as shall come to his knowledge, upon the enrollment of his Company, and when so entered, every such person shall be subject to perform all and every the like militia duties, and under the same penalties, as if he had personally presented himself for enrollment. *Provided also*, That if any difference shall arise between any Captain or

Absence at the time of enrollment, not to prevent the name of any person from being enrolled.

Officer

Age of a Militia man
how to be proved.

Officer and any Militia-man, touching the age of such Militia-man, it shall be incumbent on the said Militia-man to prove his age.

Militia to be called
out on the 4th of June,
or oftener if required,
to be reviewed and exer-
cised.

V. *And be it further enacted by the authority aforesaid,* That the Colonel or Officer commanding each regiment or battalion, shall on the fourth day of June in each and every year respectively, or in case it shall happen on a Sunday, then on the next day, and oftener, if he thinks it necessary, call out the Militia of such regiment or battalion, to be reviewed and exercised, and in his absence from the County, or in case of his removal or death, the said Militia shall be called out by the next senior Officer of such regiment or battalion, and every person liable to serve in such Militia, whether Officer or Private, neglecting or refusing to attending, (except in case of sickness, or having obtained leave of absence) shall forfeit and pay, if an Officer, forty shillings, and if a Non-commissioned Officer or Private, ten shillings; but if it shall appear to the Colonel, or Officer commanding such Regiment or Battalion, to be more conducive to the interest and convenience of such Regiment or Battalion, that the Militia of the same be reviewed at different times, and in separate bodies, it shall and may be lawful for the Colonel or Officer commanding such Regiment or Battalion, to call out a part of the Militia at some convenient time and place, and the remaining part at some other convenient time and place, as to him shall seem meet, and at every such review, the Captain or Officer commanding each Company, shall give to the Colonel, or in his absence, to the next senior Officer, fair written rolls of their respective Companies, and the Colonels or other commanding Officers, shall transmit returns to the Governor, Lieutenant Governor or Person administering the Government, within fourteen days after the fourth day of June, in each and every year, under the penalty of five pounds for each Captain or other Officer commanding a Company, and for each Colonel or Officer commanding a Regiment or Battalion, ten pounds, for each neglect or refusal.

Penalty for neglect-
ing or refusing to at-
tend.

Militia may be re-
viewed at different
times and in separate
bodies.

Rolls and returns of
the different companies
to be given.

Penalty for neglect.

Adjutant General to
be appointed.

(See 31st c 2, 48th c 3,
& 54th c 7.)

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government, to appoint a proper person to be Adjutant General of the said Militia, who shall do all matters and things appertaining to the said Office of Adjutant General.

Inspection of arms
and instruction in duty.

VII. *And be it further enacted by the authority aforesaid,* That the Captains of the Militia, shall draw out their respective Companies not less than twice, or more than four times in every year, (giving six days notice thereof) at the most convenient time and place in the County or Riding, and shall inspect their arms, and instruct them in their duties, and every person after such notice as aforesaid, who shall neglect to attend, or shall disobey, whether subaltern Officer or Private, (except in case of sickness or leave of absence) shall forfeit and pay, every Officer the sum of forty shillings, and every Non-commissioned Officer or Private, the sum of ten shillings, for every such neglect or disobedience.

Penalty for non-at-
tendance after notice.

In what manner the
Militia to be called
forth in time of war.

VIII. *And be it further enacted by the authority aforesaid,* That in time of war, rebellion, or any other pressing exigency, it shall and may be lawful for the

the Governor, Lieutenant Governor, or Person administering the Government, to call forth any of the different Companies of the Militia, and to march them from their respective Counties or Ridings, Towns, Townships, or Parishes, to any part of this Province, there to serve in conjunction with the other Militia, or with His Majesty's forces, and any person refusing to obey such order or command, or absconding from, or neglecting to repair to the place he is ordered to, being a Commissioned Officer, shall forfeit and pay the sum of fifty pounds, and be held to be unfit to serve His Majesty as an Officer in any military capacity, and being a Non-commissioned Officer or Private, shall forfeit and pay the sum of twenty pounds, and in default of payment for such refusal or neglect, such Officer, Non-commissioned Officer, or Private, shall be committed to the common gaol of the District, for any time not less than six nor more than twelve calendar months, except such person shall satisfy the Colonel or officer commanding such Regiment or Battalion to which he belongs, that such refusal or neglect arose from sickness, or that he was absent upon leave. *Provided always*, That no part of the Militia called forth in the manner aforesaid, shall be obliged to continue in actual service for more than six months at one time, and no Militia-man shall be so called out who shall be above the age of fifty years, unless that the whole of the Militia of any District or Battalion to which he may belong shall be called out and embodied. *Provided also*, That it shall not be lawful to order the Militia or any part thereof, to march out of this Province, except for the assistance of the Province of Lower Canada, (when the same shall be actually invaded or in a state of insurrection,) or except in pursuit of an enemy who may have invaded this Province, and except also, for the destruction of any vessel or vessels built or building, or any depot or magazine, formed or forming, or for the attack of any enemy who may be embodying or marching for the purpose of invading this Province, or for the attack of any fortification now erected, or which may be hereafter erected, to cover the invasion thereof.

Penalty for disobedience.

Militia not to serve more than six months at one time.

When a person above fifty years of age to be called forth.

When the Militia to march out of the Province.

IX. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, to call out detachments of the Militia, and to limit and fix the number of men to be called out on such detachments, and in cases of emergency, by actual invasion, or otherwise, when it may not be practicable to consult the Governor, Lieutenant Governor, or Person administering the Government of this Province, it shall and may be lawful for the senior Colonel, or, in his absence, the Lieutenant Colonel of the several Regiments or Battalions, to limit and appoint the number of men that he shall judge necessary to be called out, and for that purpose to issue his orders to the several Commanding Officers, and also to direct and authorize any Officer, having first obtained a warrant for such purpose from one of His Majesty's Justices of the Peace, to impress such carriages and horses as the service may require, for the use of which, the owner or owners thereof shall be entitled to receive the sum of *seven shillings and six pence per day*, (a) for every cart or carriage with two horses or oxen, during such time as the same shall be employed or detained on public service. *Provided always*, That whenever it shall happen that only part of the Militia of this Province shall

Governor, &c. may call out detachments of the Militia.

When such detachments may be called out by the senior colonel, lieutenant colonel, &c.

Impressing of carriages and horses.

Rate of the same.

(a) See 53rd Geo 1st. c 10.

Substitute to serve in the Militia.

be called out for actual service, it shall and may be lawful for any person, being of the Militia of the County or Riding that may be so called out, to provide and send an able bodied man to serve in the said Militia in his stead, and such able bodied man shall be taken and received as a proper substitute for such person living in the County or Riding, that would otherwise be obliged to serve in the said part of the Militia called out as aforesaid.

Regiments and battalions how to be formed.

X. *And be it further enacted by the authority aforesaid,* That in the several Counties and Ridings, where the number of men is sufficient, the Militia shall be formed into Regiments, consisting of not more than ten, nor less than eight Companies, which Companies shall consist of not more than fifty, nor less than twenty private men, and the Field Officers of such Regiments shall be as follows, that is to say, one Colonel, one Lieutenant Colonel, and one Major, and where the number of Companies shall be under eight, and not less than five, such Militia shall be formed into a Battalion, and the Field Officers of such Battalion, shall be one Lieutenant Colonel and one Major, only, and in each Regiment or Battalion of Militia, there shall be one Captain, one Lieutenant, and one Ensign to each Company.

One Adjutant, and one Quarter-Master, to each regiment or battalion.

Number of serjeants how to be fixed.

XI. *And be it further enacted by the authority aforesaid,* That to every Regiment or Battalion of Militia, there shall be, in addition to the Officers already mentioned, one Adjutant and one Quarter-Master, and that every Field Officer, commanding a Regiment or Battalion, shall fix the number of Serjeants who shall serve in each Company in his Regiment or Battalion, and the Captains of the said Companies shall respectively nominate the Serjeants thus fixed, and make a return of their names to the Field Officer commanding such Regiment or Battalion, who is hereby authorized to approve or disapprove of such nomination.

Independent companies how to be formed.

XII. *And be it further enacted by the authority aforesaid,* That in the several Counties and Ridings where the Militia men are not in number sufficient to form a Regiment or Battalion, according to the intent and meaning of this Act, the Militia of such Counties or Ridings shall be formed into Independent Companies, each Company to consist of not more than fifty, nor less than twenty Private men, with one Captain, one Lieutenant, and one Ensign to each Company, and that the Governor, Lieutenant Governor, or Person administering the Government may, when he shall think proper, join together any number of such Independent Companies, and form a Battalion or Battalions, or may incorporate them with any other Regiment or Battalion of Militia, provided the number of Companies in any such Regiment or Battalion be not thereby made to exceed the number of Companies of which a Regiment or Battalion of Militia is herein before directed to consist.

Penalty for disobedience of orders, quarrelling with or insulting an officer in the execution of his duty.

XIII. *And be it further enacted by the authority aforesaid,* That every Non-commissioned Officer or Private who shall refuse to obey the lawful orders of his superior Officer or Officers, when employed on Militia duty, or who shall quarrel with, or insult by abusive words or otherwise, any Officer or Non-commissioned Officer, being in the execution of his duty, shall, for every such offence, forfeit and pay a sum of money not exceeding five pounds, nor less than ten shillings, current money of this Province, at the discretion

discretion of the Justice or Justices imposing such fine, and according to the nature of the offence.

XIV. *And be it further enacted by the authority aforesaid,* That every person who now is enrolled in any Regiment, Battalion, or Independent Company of Militia, shall, within six months after the passing of this Act, and every person who shall hereafter be enrolled of any Regiment, Battalion, or Independent Company of Militia, shall, within six months after such enrollment, provide himself with a good and sufficient musket, fusil, rifle, or gun, with at least six rounds of powder and ball, and shall come provided with the same, at each and every time when he shall be called out, either for the purpose of review, exercise, or actual service, and if any person, so enrolled, shall neglect or refuse to provide himself, or to come so provided, as in the case of review or exercise, he shall, for each offence, be liable to a penalty of five shillings, and in the case of actual service, to a penalty of forty shillings, to be levied in manner hereinafter mentioned: *Provided always,* That when and so often as any Militia man shall make it appear to his Captain or Officer commanding the Company, that he has not been able to procure such musket, fusil, rifle or gun, it shall and may be lawful for such Captain or Officer commanding such Company, to admit of such excuse, and to certify the same in writing accordingly, in which case such Militia-man shall not be liable to pay the said fine of five shillings in case of review or exercise, and forty shillings in case of actual service.

Militia man when called out, shall provide himself with musket, &c. and with powder and ball.

Penalty for neglect.

Except excused by a certificate from his commanding officer.

XV. *And be it further enacted by the authority aforesaid,* That every person who shall sell or barter any part of the arms or equipments which may be delivered to him out of His Majesty's Stores, or who shall destroy the same, and every person who shall buy, or by barter obtain such arms or equipments, shall severally and respectively forfeit and pay the sum of five pounds for every offence, on conviction thereof by the oath of any one credible witness, before two Justices of the Peace, residing within the County where the same has been committed, and in case the person or persons so selling any part of his or their arms or equipments as aforesaid, or the person or persons obtaining the same in manner aforesaid, being thereof convicted as aforesaid, shall refuse or neglect to pay the said sum of five pounds, it shall and may be lawful for the said Justices by a warrant under their hands and seals, to commit such person or persons to the gaol of the County or District where the offence shall be committed, for any space of time not exceeding two months; *Provided always,* That it shall and may be lawful for the said Justices to discharge the person or persons so offending, any time before the expiration of the said two months, when the person or persons so convicted as aforesaid, shall tender to the said Justices the penalty inflicted by this Act.

Penalty to be paid by every person who shall sell or buy arms, &c. delivered out of the king's stores.

XVI. *And be it further enacted by the authority aforesaid,* That at all times when the Militia may be called out and embodied for actual service, the Officers, Non-commissioned Officers and Private men of the several Regiments, Battalions and Independent Companies of Militia shall, from the time of their being drawn out and embodied as aforesaid, and until they shall

Punishment when the Militia are embodied for actual service, for using traitorous or disrespectful words against the King or any of the Royal Family.

shall return to their respective Towns, Townships, Parishes or places of abode, remain under the command of the Governor, Lieutenant Governor or Person administering the Government, or other Officer having the command of them, and shall be liable to punishment for mutiny and desertion as herein after mentioned, that is to say, that every Officer, Non-commissioned Officer or Militia-man, who shall presume to use traitorous or disrespectful words against His Majesty's Royal Person, or disrespectful words against any of the Royal Family, if a Commissioned Officer, shall upon conviction thereof before a General Court Martial, as herein after is directed to be established, be cashiered, if a Non-commissioned Officer or Private, he shall suffer such punishment as by the sentence of the said Court Martial shall be awarded.

Punishment for behaving with contempt, or speaking words to the hurt or dishonor of the Governor, &c.

XVII. And be it further enacted by the authority aforesaid, That any Officer, Non-commissioned Officer, or Militia-man, who shall behave himself with contempt or disrespect towards the Governor, Lieutenant Governor or the Person administering the Government for the time being, or shall speak words tending to their hurt or dishonor, shall be punished according to the nature of his offence by the judgment of a General Court Martial.

Punishment for mutiny and sedition.

XVIII. And be it further enacted by the authority aforesaid, That any Officer, Non-commissioned Officer or Militia-man, who shall begin, excite, cause or join in any mutiny or sedition in the Regiment, Detachment, Troop or Company to which he belongs, or in any other Regiment, Detachment, Troop or Company, whether of embodied Militia or of His Majesty's regular or Provincial Forces, in any camp or post, or upon any party, detachment or guard on any pretence whatsoever, shall suffer death, or such other punishment as by a General Court Martial shall be awarded.

Punishment for not endeavouring to suppress the same, or give information thereof.

XIX. And be it further enacted by the authority aforesaid, That any Officer, Non-commissioned Officer, or Militia-man, who being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny or intended mutiny, shall not without delay, give information thereof to his commanding Officer, shall suffer such punishment as by a General Court Martial shall be awarded.

Punishment for desertion to the enemy.

XX. And be it further enacted by the authority aforesaid, That all Officers, Non-commissioned Officers and Militia-men, who shall be convicted of having deserted to the enemy, shall suffer death, or such other punishment as shall be awarded by a General Court Martial.

Non commissioned officer or Militia-man not to absent himself without furlough, nor attach himself to any other Regiment, &c.

XXI. And be it further enacted by the authority aforesaid, That any Non-commissioned Officer or Militia-man, who shall quit, or otherwise absent himself from his Regiment, Detachment, Troop or Company, without a furlough from his commanding Officer, or who shall withdraw himself from the Regiment, Detachment, Troop or Company, into which he has been embodied, in order to attach himself to any other Regiment, Detachment, Troop or Company, then in service, whether of the Militia, or of His Majesty's Regular or Provincial Forces, shall, upon being convicted thereof, be punished

ed according to the nature of his offence, at the discretion of a General Court Martial, and in case any Officer of the Militia shall knowingly receive and entertain such Non-commissioned Officer or Militia-man, or shall not after his being discovered to be a deserter, immediately confine him and give notice to the Regiment, Detachment, Troop or Company in which he last served, he the said Officer so offending, shall on being convicted thereof before a General Court Martial, be cashiered.

Punishment for receiving, entertaining, and not discovering such Non-commissioned Officer or Militia-man.

XXII. *And be it further enacted by the authority aforesaid,* That if any Officer, Non-Commissioned Officer or Militia-man shall be convicted of having advised or persuaded any other Officer or Militia-man, to desert His Majesty's service, he shall suffer such punishment as shall be awarded by a General Court Martial.

Punishment for having advised him to desert.

XXIII. *And be it further enacted by the authority aforesaid,* That when the Militia of this Province shall be called out on actual service, in all cases when a General Court Martial shall be required, the Governor, Lieutenant Governor or Person administering the Government, upon complaint and application to him made, through the Colonel or Officer commanding the body of Militia to which the party accused may belong, shall issue his order to the said Commanding Officer to assemble a General Court Martial, which said Court Martial shall consist of a President, who shall be a Field Officer, and twelve other Commissioned Officers of the Militia; *Provided always,* That in all trials by General Courts Martial, to be held by virtue of this Act, the Governor, Lieutenant Governor, or Person administering the Government, shall nominate and appoint the person who shall act as Judge Advocate, and that every member of the said Court Martial, before any proceedings be had before that Court, shall take the following oath before the said Judge Advocate, who is hereby authorized to administer the same, viz. You A. B. do swear that you will administer justice to the best of your understanding, in the matter now before you, according to the evidence and the Militia Laws now in force in this Province, without partiality, favour, or affection; and you further swear, that you will not divulge the sentence of the Court, until it shall be approved by the Governor, Lieutenant Governor, or Person administering the Government, neither will you upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of Law—So help you God. And so soon as the said oath shall have been administered to the respective members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the person officiating as such, an oath in the following words: You A. B. do swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of Law—So help you God. And the said Judge Advocate shall, and he is hereby authorized to administer to every person giving evidence before the said Court, the following oath: The evidence you shall give to this Court Martial, on the trial of A. B. shall be the truth, the whole truth, and nothing but

Mode of ordering and of assembling General Courts Martial.

The members of which they shall consist.

Judge Advocate to be appointed.

Oath to be taken by the members.

Oath to be taken by the Judge Advocate.

Oath to be administered to witnesses.

No judgment without the concurrence of two thirds of the members.

—Not to be executed without the approbation of the Governor, &c.

No Officer of other forces to sit in such Court Martial.

but the truth—So help you God. *Provided always*, That the judgment of every such Court Martial shall pass with the concurrence of two-thirds of the members, and shall not be put in execution, until the Governor, Lieutenant Governor, or Person administering the Government, has approved thereof. *Provided always*, That no Officer serving in any of His Majesty's other forces shall sit in any Court Martial upon the trial of any Officer or Private man serving in the Militia.

Regulations to which the Militia shall be subject while embodied for actual service.

XXIV. *And be it further enacted by the authority aforesaid*, That during the time in which the said Militia shall be embodied for actual service, they and every of them, as well Officers as Privates, shall be liable and subject to all and every the provisions, regulations, matters, and things in this Act contained, respecting the said Militia, and also in cases to which the provisions of this Act do not extend, to all the rules, regulations, pains, and penalties of any Act or Acts of the British Parliament that are or may be in force for the punishment of mutiny and desertion, not contrary to this Act; *Provided nevertheless*, That no sentence of any Court Martial so to be constituted and established, under and by virtue of this Act, shall extend to the loss of life or limb, unless for desertion, mutiny, and sedition, traitorous correspondence, or for traitorously delivering up to the enemy, any garrison, fortress, post, or guard, any thing herein contained, or any Statute, Law, or Usage to the contrary notwithstanding. *Provided always*, That in no case whatsoever, shall any Non-commissioned Officer or Private man, for any offence by him committed, be subjected to the punishment of being whipped, by the sentence of any Court Martial whatsoever.

Non-commissioned officer or private man not subject to the punishment of being whipped.

Court of Enquiry when to be assembled.

XXV. *And be it further enacted by the authority aforesaid*, That in all cases where a Militia Officer not on actual service, shall be guilty of improper conduct, or do any thing unbecoming his character as such Officer, not otherwise provided for in this Act, the Governor, Lieutenant Governor, or Person administering the Government, upon complaint and application made to him through the Colonel or other Field Officer of Militia commanding the respective Regiment or Battalion to which the said Officer against whom the complaint is made, may belong, or in case the said Colonel or other Field Officer is the party accused, to the next in command, to issue his order to assemble a Court of Enquiry, which Court shall consist of one Field Officer, in rank superior to the Officer accused, who shall be President thereof, together with not less than four other commissioned Officers, and such Court of Enquiry shall examine witnesses, and take every necessary step to investigate the matter alleged in the complaint against the said Militia Officer, and report the evidence in that behalf brought before them, to the Governor, Lieutenant Governor or Person administering the Government, for his decision thereon.

—In what manner to be constituted.

—Report to Governor, &c.

Exemptions from serving in the militia except in time of actual service.

XXVI. *And be it further enacted by the authority aforesaid*, That except in time of actual service, the Judges of the Court of King's Bench and Clergy, the Members of the Legislative and Executive Councils, and their respective Officers, the Members of the House of Assembly for the time being, and the Officers thereto belonging, His Majesty's Attorney General, Solicitor

tor General, the Secretary of the Province, and all other Civil Officers who shall have been or hereafter may be appointed to any civil office in this Province, under the Great Seal of the same, as well as all Magistrates, Sheriffs, Coroners, Half-pay Officers, Militia Officers, having served by virtue of any Militia commission in any part of His Majesty's dominions, (who may not have been removed for any offence as an Officer of Militia, or who may have obtained leave to resign his commission) the Surveyor General and his Deputies duly appointed, Seafaring men actually employed in the line of their calling, Physicians, Surgeons, the Masters of public schools, Ferry-men, and one Miller to every Grist Mill, shall be, and are hereby excused from serving in the said Militia. *Provided always*, That this Act and the exceptions herein contained, shall not prevent, and it is hereby declared, that the same shall not be construed to prevent any or every of the above mentioned person or persons from holding commissions as Officers in the Militia in this Province; *Provided always*, That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, by warrant under his hand and seal, to exempt any of the persons herein before enumerated, from being called out on the service aforesaid.

Not to prevent the persons so exempted from holding commissions as officers in the militia.

Governor, &c. may grant exemptions from serving.

XXVII. *And be it further enacted by the authority aforesaid*, That the persons called Quakers, Menonists and Tunkers, who from certain scruples of conscience, decline bearing arms, shall not be compelled to serve in the said Militia, but every person professing that he is one of the people called Quakers, Menonists or Tunkers, and producing a certificate of his being a Quaker, Menonist or Tunker, signed by the clerk of the meeting of such society, or by any three or more of the people called Quakers, Menonists or Tunkers, shall be excused and exempted from serving in the said Militia. *Provided nevertheless*, That every such person or persons that shall or may be of the people called Quakers, Menonists or Tunkers, from the age of sixteen to sixty, shall, on or before the first day of December in each and every year, give in his name and place of residence to the Treasurer of the District, where he or they shall reside, and pay to such Treasurer, to and for the public uses of such District, in time of peace, the sum of twenty shillings, and in time of actual invasion or insurrection, or when any part of the Militia of that District shall be called out on actual service, the sum of five pounds, and in default of such payment, it shall and may be lawful, on information or complaint on oath made by the said Treasurer, before any Justice of the Peace of such District, for the said Justice to issue his warrant, under his hand and seal to levy the same by distress and sale of the offender's goods and chattels, *returning so much of the said distress as shall exceed the sum of twenty shillings per annum in time of peace, and five pounds per annum in time of actual invasion or insurrection*, (a) or when any part of the Militia of that District shall be called out on actual service, deducting therefrom the charges and all other incidental expences of such distress and sale, as well as the expences of summoning such offender before such Justice, to answer the said information and complaint, and the said sums so levied by the said Justice as aforesaid, shall be by him, within the space of two calendar months, paid into the hands of the Colonel, or in his absence, the next senior Officer

Quakers, Menonists and Tunkers, not to be compelled to serve.

Proof of being such.

(See 50th Geo. III. c. 11.)

To give in their names &c. to the treasurer of the district where they reside.

Payments to him how to be made & applied.

(a) See 51st Geo. III. c. 7, s. 1.

In case of non payment, distress money so recovered how to be paid and applied.

Punishment for want of such distress.

Circumstances under which Quakers &c. shall not be liable to payment.

Officer of the Regiment, Battalion or Independent Company of the division where the offence has been committed, to be applied for the like purposes as the fines, forfeitures and penalties imposed by this Act, and for want of such distress, the Justice before whom such person shall have been convicted, shall commit him to the common gaol of the District until he shall pay and satisfy such sum, together with the reasonable charges incident to such conviction : *Provided nevertheless*, That no person or persons so convicted, shall in any case, be detained in custody longer than the space of one calendar month ; *Provided also, and it is hereby further enacted*, That each and every of the persons usually called Quakers, Menonists and Tunkers, that have attained the age of fifty years, shall not be liable to the payment of such sum of twenty shillings for being exempted from serving in the said Militia in time of peace, but that in time of war or other emergency, they shall be liable to serve, or to the payment of five pounds for being exempted for every year, until they shall have attained the age of sixty years.

When the Governor, &c. may employ the militia upon lakes, rivers, communications, &c. in such detachments as he shall think fit.

XXVIII. *And be it further enacted by the authority aforesaid*, That in time of war, when and so often as occasion may require, it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, to employ the Militia of this Province, either upon land or upon the lakes, rivers and communications thereof, in such parties or detachments as by him shall be deemed expedient.

How persons shall be taken to serve on such detachments.

XXIX. And whereas by a certain clause in this Act, it is provided, that it shall and may be lawful for the persons therein mentioned, on certain occasions, to call out detachments of the Militia ; *Be it therefore enacted by the authority aforesaid*, That the persons to serve on such detachment, shall be regularly taken, from time to time, as they shall be required, from a roster or list to regulate the turn of duty, to be first formed by ballot of each and every person in each respective Battalion, Regiment, or Independent Company, and that after the same has been formed, when any person shall be enrolled as a Militia-man in any Battalion, Regiment or Independent Company, the name of such man shall be inserted, and follow the last person in the said roster the initial of whose surname corresponds with the initial of the surname of the man so to be inserted, and when any detachment shall be called out for service, the Adjutant or Officer commanding each Regiment, Battalion or Independent Company, shall give notice to the persons of their turn of duty.

Notice to be given to such persons.

Governor, &c. may appoint detachments to serve on board of vessels, &c. with great guns and small arms, and station them in any of the creeks, rivers &c. of this Province, and also train them to the use of great guns and artillery.

XXX. *And be it further enacted by the authority aforesaid*, That when any detachments are formed and called out for public service, it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, to divide the same into smaller detachments or parties, and appoint them to serve on board vessels, boats or batteaux, upon any of the lakes, rivers or communications by water of this Province, with great guns or artillery, as well as with small arms, as occasion may require, and shall and may appoint them to be stationary in any of the creeks or harbours of the said lakes, or in any of the rivers of the Province, and also to train and exercise the same to the use of great guns and artillery, as well by land as by water.

XXXI. And whereas it may be convenient to form one or more troop or troops of Cavalry; *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to form and embody such troop or troops, and to employ the same on such duties as the necessity of the service may require.

Troops of cavalry may be formed.

XXXII. *And be it further enacted by the authority aforesaid,* That all detachments to be called out and employed as aforesaid, shall and may, if need require, be detained on such service, for and during the space of six months at one time, and no longer; *Provided* That every such detachment be relieved by the arrival of a fresh detachment, sufficient for the indispensable occasions of the service at such period, for which purpose it shall and may be lawful for the proper Officer, one week at least before the expiration of the said period of service, to call together the remaining parts of the Regiment, Battalion, or Independent Company, or so many as may be necessary, according to their several turns, to be regulated by the roster as aforesaid, to relieve such detachment.

Time of service of said detachments.

In what manner they shall be relieved.

XXXIII. *Provided always, and be it further enacted by the authority aforesaid,* That if such detachments cannot be replaced by an equal number of men of the remaining part of such Regiment, Battalion, or Independent Company, respectively, then, and in such case, every detachment to be relieved as aforesaid, shall ballot or draw lots for such a number of men as may be wanting to make the succeeding detachment equal to the detachment to be relieved, and the parties whose names shall be drawn, shall be liable to serve with the said detachment, but in case of a partial relief, they shall be the first to be relieved, either wholly or by ballot, according to the number to be relieved.

Method to be pursued in case such detachments cannot be replaced by an equal number of men.

XXXIV. *And be it further enacted by the authority aforesaid,* That when any person shall have been convicted of any offence against this Act, and shall refuse to pay the fine, forfeiture, or penalty imposed on such offender, it shall and may be lawful to and for the Justice or Justices before whom such person shall have been convicted, to commit such offender to the common gaol of the District, until he shall pay and satisfy such fine, forfeiture, or penalty, together with the reasonable charges attending such conviction; *Provided nevertheless,* that no person or persons, so committed, shall in any case be detained in custody longer than the space of one calendar month, except in such cases as are otherwise provided for by this Act.

Punishment in case of non-payment of the forfeitures imposed by this Act.

XXXV. *And be it further enacted by the authority aforesaid,* That no persons who have been discharged from His Majesty's service as Non-commissioned Officers, shall be obliged to serve in any station in the Militia of this Province, inferior to that which they held in His Majesty's service, unless having been Non-commissioned Officers in the said Militia, they may have been reduced according to Law.

No non-commissioned officer discharged from His Majesty's service, shall serve in an inferior station in the militia.

Penalty for withdrawing or absconding from exercise.

XXXVI. *And be it further enacted by the authority aforesaid,* That no person enrolled in the Militia, shall absent or withdraw himself from any place of review or exercise, without having first obtained leave of his Commanding Officer so to do, under the penalty of forty shillings if a Commissioned Officer, and ten shillings if a Non-commissioned Officer or Private.

Penalty for a serjeant neglecting to warn a militia man to appear at the place of enrollment.

XXXVII. *And be it further enacted by the authority aforesaid,* That if any Serjeant of the Militia, when thereunto required by his superior and proper Officer, shall neglect or refuse to warn the Militia-men of the Company to which he belongs, to appear at the place of enrollment or exercise, he shall, for every such neglect, or refusal, forfeit and pay the sum of forty shillings.

Serjeant in the militia exempted from serving as constable.

XXXVIII. *And be it further enacted by the authority aforesaid,* That every Serjeant of the Militia, duly appointed, shall be exempt from serving as Constable, for and during such time as he shall hold such appointment as Serjeant.

Such who are wounded shall be taken care of.

XXXIX. *And be it further enacted by the authority aforesaid,* That if any person be wounded, or shall be disabled, when employed on actual service, upon an invasion, insurrection, or rebellion, he shall be taken care of and attended during the time of such disability, agreeably to his rank.

Charges of conviction to be paid by the offender.

XL. *And be it further enacted by the authority aforesaid,* That when any person shall be summoned before two of His Majesty's Justices of the Peace as aforesaid, for having neglected or refused to do such things as by this Act are required of him to be performed, and shall upon the oath of any one credible witness before such Justices be duly convicted of such offence, such person shall pay the charges and expences of and incident to such conviction, and that all fines, penalties and forfeitures, by this Act imposed; on default of payment, shall be levied by distress and sale of the goods and chattels of the offender, by warrant under the hands and seals of the Justices before whom the said offender shall be convicted, rendering the overplus (if any) to the said person whose goods and chattels shall have been so distrained and sold, after deducting therefrom the charges of such distress and sale, and within two months after such conviction and recovery, the sums so recovered shall be transmitted by the Justices before whom such information shall have been laid, to the Colonel, or in his absence, to the next senior Officer of the Regiment, Battalion or Independent Company, and the said Colonels and other Officers respectively, shall and they are hereby required, out of the several sums of money which they shall receive for fines, forfeitures or penalties, or otherwise, by virtue of this Act, to provide for the Regiments in their respective Counties or Ridings, Drums, Fifes, Colours, Banners, Regimental Books, and for the discharge of other incidental expences, and in case any overplus of such monies shall remain in the hands of any such Colonel or other Officer, after providing such articles as aforesaid, such surplus shall be disposed of in prizes to the persons who shall make the best shot at a target or mark, upon days of training; and in such proportions as at a meeting the Colonels or Officers commanding Regiments, Battalions or Independent Companies, shall order and direct, and each Colonel, or

Penalties on default of payment to be levied by distress.

Overplus to be returned.

To whom sums so recovered shall be transmitted.

How to be applied.

in his absence the next senior Officer of the Regiment, Battalion or Independent Company, shall render a certified account thereof in detail, to be transmitted to the Governor, Lieutenant Governor or Person administering the Government, as soon after the thirty-first day of December annually, as practicable. (a)

Account to be laid before the Governor, &c.

(a) See 56th Geo. III. c. 31, s 5 & 6.

XLI. *And be it further enacted by the authority aforesaid, That no order of conviction made by any Justice or Justices of the Peace, by virtue of this Act, shall be removed by certiorari out of the County, Riding, Division, or place wherein such order or conviction shall have been made, into any Court whatsoever, and that no writ of certiorari shall supersede execution or other proceedings upon any such order or conviction, so made in pursuance of this Act, but that execution and other proceedings shall be had and made thereupon, any such writ or writs, or allowance thereof, notwithstanding; Provided always, That the fines, forfeitures or penalties, to be levied by virtue of such order or conviction, shall not exceed the sum of twenty pounds.*

No writ of certiorari unless the penalty above £20.

XLII. *And be it further enacted by the authority aforesaid, That if any action shall be brought against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within six months next after the fact committed, and not afterwards, and shall be laid in the County, Riding or place where the cause of complaint did arise, and not elsewhere, and the defendant or defendants in every such action or suit, may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon, and if the jury shall find for the defendant or defendants in any such action or suit, or if the plaintiff or plaintiffs shall be non-suited or discontinue his, her or their action or suit after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall have treble costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law.*

Limitation of actions within six months, for things done by virtue of this Act.

Plaintiffs being non-suited, &c. defendant or defendants to have treble costs.

XLIII. *And be it further enacted by the authority aforesaid, That all former Acts relating to the raising of the Militia within this Province, shall from and after the passing of this Act, be and are hereby repealed; Provided nevertheless, That nothing in this Act contained shall in any wise extend or be construed to extend to annul or make void any Militia appointment which may have taken place in pursuance of the former Acts relating to the Militia forces, or to prevent the completing any proceedings commenced in pursuance thereof, until new commissions are issued under and by virtue of this Act.*

Former militia Acts repealed.—No militia appointment shall be void under any former Acts until new commissions are issued under this Act.

See 49 Geo. III. c. 2. and 60th Geo. III. c. 11.

C H A P. II.

An Act for granting to His Majesty a certain sum of MONEY out of the Funds applicable to the uses of this Province, to defray the expences of amending and repairing the PUBLIC HIGHWAYS and ROADS, laying out and opening new ROADS, and building BRIDGES, in the several Districts thereof.

[Temporary.]

Grant £1000 to be applied by certain commissioners in the repair of roads, &c.

C H A P. III.

An Act for granting to His Majesty an annual sum of MONEY for the purpose therein mentioned.

[Passed 16th March, 1808.]

Preamble.

MOST GRACIOUS SOVEREIGN,

£200 salary to be paid to the Adjutant General.

WHEREAS it is expedient that some provision be made for an Adjutant General in this Province ; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, " An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, ' An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' " and by the authority of the same, That from and out of the rates and duties already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, there be granted to His Majesty, his Heirs and Successors, annually, the sum of two hundred Pounds, for the payment of a salary to the Adjutant General of the Militia of this Province, for the time being.

Manner of payment.

(See 48th Geo. III. c 1 s 6, and 56th Geo. III. c 7 s 31 s 2.)

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, from time to time to issue his warrant to the Receiver General of this Province for the payment of such salary as aforesaid, yearly or half yearly, and the said Receiver General shall account to His Majesty, his Heirs and Successors, for the same, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, his Heirs and Successors, shall be graciously pleased to direct.

C H A P. IV.

Grants to His Majesty £200 . 0 . 8 1-2.

An Act for applying certain Sums of MONEY therein mentioned, to make good certain MONIES issued and advanced by His Majesty, through the Lieutenant Governor, in pursuance of an Address.

C H A P. V.

An Act to continue an Act passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to provide for the APPOINTMENT of RETURNING OFFICERS of the several COUNTIES within this Province."

33d Geo. III. c. 12.

[Passed 16th March, 1808.]

WHEREAS, an Act passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to provide for the appointment of Returning Officers of the several Counties within this Province," and which Act has since been revived and continued by a certain Act intituled, "An Act to revive and continue an Act intituled, 'An Act to provide for the appointment of Returning Officers of the several Counties within this Province,' will shortly expire, and it being necessary that the said Act passed in the thirty-third year of His Majesty's Reign, intituled, "An Act to provide for the appointment of Returning Officers of the several Counties within this Province," be continued; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, That the said Act of the thirty-third year of His Majesty's Reign, and every part thereof, and every clause, matter, and thing therein contained, are by the present Act continued, for and during the space of four years, and no longer.

Preamble.

Act of 33d Geo. III,
c. 12. to provide for the
appointment of Return-
ing Officers continued.

C H A P. VI.

An Act for granting to His Majesty a certain sum of MONEY out of the PROVINCIAL FUND, to increase the salary of the CLERK of the Legislative Council, and the CLERK of the House of Assembly.

[Passed 16th March, 1808.]

WHEREAS, it is thought expedient to increase the salaries of the Clerks of the Legislative Council and House of Assembly in this Province; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the

Preamble.

£75 to the Clerk of the Legislative Council, and £75 to the Clerk of the House of Assembly, in addition to their respective salaries.

fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, there be granted annually, to His Majesty, His Heirs and Successors, the sum of one hundred and fifty pounds, to and for the uses hereinafter expressed, that is to say, the sum of seventy-five pounds to the Clerk of the Legislative Council, and the sum of seventy-five pounds to the Clerk of the House of Assembly, for the time being, in addition to the sums heretofore granted to and for the uses of the said Clerks.

Manner of payment.

(See 41st Geo. III. c. 12, & 56th Geo. III. c. 22.)

II. *And be it further enacted by the authority aforesaid*, That the monies hereby granted to His Majesty for the payment of salaries to the Clerk of the Legislative Council, and the Clerk of the House of Assembly, shall be paid by the Receiver General, in discharge of such warrant or warrants as shall for the purposes herein set forth, be from time to time issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the time being, and not otherwise, and the said Receiver General shall account to His Majesty for the same, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

C H A P. VII.

An Act to extend the benefits of an Act passed in the thirty-seventh year of His Majesty's Reign, intituled, "*An Act for the more easy BARRING of DOWER*," and to repeal certain parts of the same.

[Passed 16th March, 1808.]

Preamble.

(57th Geo. III. c. 7.)

WHEREAS, by an Act passed in the thirty-seventh year of His Majesty's Reign, intituled, "*An Act for the more easy barring of Dower*," no provision is made to entitle any person, not residing in this Province, and who may be entitled to Dower of any Lands or Tenements situate therein, to release her right and title to the same. Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province*," and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for any person within the United Kingdom of Great Britain

Persons residing in Great Britain, Ireland, in the Colonies, or in the United States of America, may release their Dower of Lands in this Province by deed.

Britain and Ireland, or any of His Majesty's Colonies or Plantations, or within the United States of America, entitled to Dower of any Lands or Tenements within this Province, by any deed, executed either alone or jointly with other persons, to release all her right and title to the same, and such release shall be as valid and effectual to bar the person so executing the same, of her Dower of such Lands and Tenements, as if a fine had been levied thereof.

II. *Provided nevertheless*, That no such release, so executed, shall have any force or effect to bar the person so entitled to Dower, unless such person shall come before the Mayor or Chief Magistrate of some city, borough, or town corporate in the said United Kingdom, or before the Chief Judge or any other Judge of the Supreme Court of the said Colony, Plantation, or State, or before the Mayor or Chief Magistrate of any city, borough, or town corporate, within the same, and shall have been examined by the said Mayor or Chief Magistrate, Chief Judge or Judge, touching her consent to be barred of Dower in the premises in the said deed of release mentioned, and unless she shall give her consent thereto, and it shall appear to the said Mayor, Chief Magistrate, Chief Judge or Judge, that such consent is free and voluntary, and not the effect of any coercion on the part of the husband or any other person, and unless the said Mayor, Chief Magistrate, Chief Judge or Judge, shall certify the same by endorsement on the said deed.

Persons entitled to Dower shall be examined by the Mayor, &c. touching her consent to release the same. Such consent to be certified by such Mayor, &c. by endorsement on the deed of release.

III. *And be it further enacted by the authority aforesaid*, That for the purpose of verifying the said certificate, when the same shall be granted as aforesaid, by the Mayor or Chief Magistrate of any city, borough, or town corporate, within the said United Kingdom, or within any of the said Colonies, Plantations, or States, the common seal of such city, borough, or town corporate, or the seal of office of such Mayor or other Chief Magistrate, shall be affixed thereto; and that when such certificate shall be granted by the Chief Judge or Judge of the Supreme Court of any of His Majesty's Colonies or Plantations, or of any of the United States of America, the same shall be verified by the seal of the person administering the Government of such Colony, Plantation, or State.

Verification of such certificate.

IV. *And be it further enacted by the authority aforesaid*, That so much of the above-mentioned Act, intituled, "An Act for the more easy barring of Dower," as relates to the registering of the certificate, required by the said Act, be and the same is hereby repealed.

So much of the 37th Geo. III. as relates to the registering of the certificate, repealed.

C H A P. VIII.

48th Geo. III. c. 6.

An Act to repeal certain parts of an Act passed in the forty-sixth year of His Majesty's Reign, intituled, "*An Act to continue an Act passed in the forty-third year of His Majesty's Reign, intituled, 'An Act for the better securing to His Majesty, His Heirs and Successors, the due collection and receipt of certain DUTIES therein mentioned.'*"

[Passed 16th March, 1808.]

Preamble.

WHEREAS, by an Act passed in the forty-sixth year of His Majesty's Reign, intituled, "An act to continue an Act passed in the forty-third year of His Majesty's Reign, intituled, 'An Act for the better securing to His Majesty, His Heirs and Successors, the due collection and receipt of certain duties therein mentioned,'" it was thereby enacted, that the said Act of the Parliament of this Province, passed in the forty-third year of His Majesty's Reign, should be and the same was thereby continued, and it was thereby further enacted, that the said Act, passed in the forty-sixth year of His Majesty's Reign, should be and continue in force for and during the term of two years, and from thence to the end of the then next Session of Parliament, and no longer; And whereas it is thought fit, that the said recited Act, passed in the forty-third year of His Majesty's Reign, should not be subject to any limitation in point of time, but that the same should be made perpetual; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the Act, passed in the forty-sixth year of His Majesty's Reign, as limits the continuance of the aforesaid Act to the term of two years, and from thence to the end of the then next Session of Parliament, shall be and the same is hereby repealed.

Act of 43d Geo. III.
c. 9, made perpetual.

C H A P. IX.

(See 43d Geo. III.
c. 7.)

An Act for the further encouragement of the GROWTH and CULTIVATION of HEMP within this Province, and for the EXPORTATION thereof.

C H A P. X.

An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, intituled, "*An Act to afford RELIEF to those Persons who may be entitled to claim LANDS in this Province, as HEIRS or DEVISEES of the NOMINEES of the CROWN, in cases where no patent hath issued for such Lands, and further to extend the benefits of the said Act.*"

(See 45th Geo. III. c. 2.)

[16th March, 1808.]

WHEREAS an Act passed in the forty-fifth year of His Majesty's Reign, intituled, "*An Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in cases where no patent hath issued for such Lands,*" will shortly expire, and it is expedient to continue the said Act, and further to extend the benefits thereof; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the said Act of the forty-fifth year of His Majesty's Reign, and every part thereof, and every clause, matter and thing therein contained, shall be and the same is hereby continued.*"

Preamble.

45th. of Geo. III.
c. 2, continued.

II. *And be it further enacted by the authority aforesaid, That the Assignee or Assignees of the Nominee or Nominees of the Crown to Lands in this Province, who is or are dead, or who have left this Province before the passing of this Act, without having obtained His Majesty's Letters Patent for such Lands in his, her or their life times, or before he, she or they did leave this Province, may respectively bring their claim or claims for the said Lands before the Commissioners herein after to be appointed, who shall and may, and they are hereby authorised to hear and determine the claim or claims of such Assignee or Assignees, and to report thereupon to the Governor, Lieutenant Governor or Person administering the Government, in Council, in like manner and under the like regulations and restrictions as are in, and by the said Act passed in the forty-fifth year of His Majesty's Reign, and hereby continued, directed to be observed respecting the claim or claims of the Heir or Heirs, Devisee or Devisees of the Nominee or Nominees of the Crown to Lands, brought before the Commissioners under that Act, and that it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government, in Council, to issue His Majesty's Letters Patent for the lot or lots, parcel or parcels of Land specified in the said report, to or in trust for such person or persons, his, her or their Heirs and Assigns, as is or are therein declared, by the said Commissioners, to be appointed under and by virtue of this Act, to be*

Persons who are entitled to bring their claims for lands before the commissioners under this Act.

Commissioners under this Act to hear and determine claims and to report thereupon in like manner as directed by the 45th of Geo. III. c. 2.

Patents to issue to persons entitled under that report.

Provisions of 48th
Geo. III. c 2, extended
to persons claiming un-
der this Act.

be the Assignee or Assignees of the Nominee or Nominees of the Crown, as aforesaid, to such lot or lots, parcel or parcels of Land; and that all and every the provisions, regulations, restrictions, matters and things, which in and by the said Act of the forty-fifth year of His Majesty's Reign, are enacted and contained, of and concerning, or in any wise touching or relating to the claim or claims of the Heir or Heirs, Devisee or Devisees of the Nominee or Nominees of the Crown, mentioned in that Act, shall be and are hereby extended to the Assignee or Assignees of such Nominee or Nominees.

A Commissioner to
be appointed in every
district to take testimo-
ny relative to claims
under this Act.

III. *And be it further enacted by the authority aforesaid,* That for the better procuring of evidence to be laid before the Commissioners to be appointed under this Act, respecting any claim or claims that may be brought before them by virtue thereof, it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, for the time being, to appoint some person in each and every District of this Province, to be a Commissioner for taking upon oath (which oath the said Commissioners are hereby authorised to administer) the testimony of any person or persons relative to such claim or claims to be brought before the said Commissioners.

Penalty for swearing
falsely before such
Commissioners.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forswear him, her or themselves before any such Commissioner, he, she or they shall on conviction thereof, be subject to all the pains and penalties of wilful and corrupt perjury.

Governor to appoint
commissioners, &c.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, at any time during the continuance of this Act, to issue such and so many commissions, under the Great Seal of this Province, to the Members of the Executive Council thereof, His Majesty's Chief Justice of the said Province, the Justices of the Court of King's Bench, and such and so many other persons as the said Governor, Lieutenant Governor or Person administering the Government shall think fit, which said Commissioners, or any three of them, of whom the said Chief Justice or one of the said Justices shall be one, shall have full power and authority to carry into force and effect all and every the powers and provisions, matters and things, specified and contained in the said Act of the forty-fifth year of the Reign of His present Majesty, and in this Act; and that the said Commissioners shall hold their sittings (a) at the same place, and at the like times (a) and in like manner as are specified and declared by the said first mentioned Act, respecting the sittings of the said Commissioners therein mentioned, under and by virtue of the same.

Times and Places of
sittings.
(a) 52d Geo. III. c 9.

Clerks of the Peace
to affix a list of claims
where Quarter-Sessions
are usually held, once
every three months.

VI. *And be it further enacted by the authority aforesaid,* That the Clerk of the Peace in each and every District of this Province, shall once in every three months make a list of the claims set up in his office, specifying the name or names of the claimant or claimants, together with the number of the lot or lots, and the concession or concessions, with the name or names of

of the Township or Townships in which the Lands so claimed do lie, and affix the said list on some conspicuous part of the Court-House, or place where the Courts are usually held at each General Quarter Sessions.

Continuance of this Act.

VII. *And be it further enacted by the authority aforesaid,* That this Act shall be and it is hereby declared to be in force for and during the term of four years and no longer.

(See 52d Geo. III. c 9 & 50th c 21.)

C H A P. XI.

An Act for the better REPRESENTATION of the COMMONS of this Province in Parliament, and to repeal part of an Act passed in the fortieth year of His Majesty's Reign, intituled, "*An Act for the more equal Representation of the COMMONS of this Province, and for the better defining the qualification of ELECTORS.*"

40th Geo. III. c 8.

[*Passed 16th March, 1808.*]

WHEREAS, it is necessary to encrease the Representation of the Commons of this Province in Parliament; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That so much of an Act passed in the fortieth year of His Majesty's Reign, intituled, 'An Act for the more equal Representation of the Commons of this Province in Parliament, and for the better defining the qualification of Electors,' as relates to the number of Members to represent the Commons of this Province in the House of Assembly, shall be repealed, and the same is hereby repealed accordingly.*"

Preamble.

Part of the 40th of Geo. III. c 8, repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the end of the present Parliament, the Representation of the Commons of this Province in the House of Assembly, shall be in manner following; that is to say, That the County of Prescott shall be represented by one Member; that the County of Glengary shall be represented by two Members; that the Counties of Stormont and Russell shall be represented by one Member; that the Counties of Dundas, Grenville, Leeds, Frontenac and Prince Edward, except the Township of Ameliasburgh, be each represented by one Member; that the incorporated Counties of Lenox and Addington, be together represented by two Members; that the County of Hastings, and the Township of Ameliasburgh, in the County of Prince Edward, be represented by one Member; that the Counties of Northumberland and Durham, shall together be represented by one Member; the

Representation of the Commons in the House of Assembly of this Province.

East

East Riding of the County of York, and the County of Simcoe by one Member; that the West Riding of the County of York shall be represented by one Member; that the first Riding of the County of Lincoln and the County of Haldimand, shall be represented by two Members, in manner following, viz: the Townships of Saltfleet, Ancaster, Barton, Glanford and Binbrook, with so much of the County of Haldimand as lies between Dundas Street and the Onondaga Village, (commonly called Bearsfoot) on the River Ouse, by one Member; and the Townships of Grimsby, Clinton, Gainsborough and Caistor, with so much of the County of Haldimand as lies between the Onondaga Village aforesaid, and the mouth of the River Ouse, by one Member; that the second Riding of the County of Lincoln shall be represented by one Member; that the third Riding of the County of Lincoln shall be represented by one Member; that the fourth Riding of the County of Lincoln shall be represented by one Member; that the Counties of Oxford and Middlesex be together represented by one Member; that the County of Norfolk shall be represented by one Member; that the County of Kent shall be represented by one Member; that the County of Essex shall be represented by two Members.

At the expiration of 6 days the poll to be closed by the Returning Officer.

(See 33d Geo. III. c. 124-57th c. 1.)

III. *And be it further enacted by the authority aforesaid,* That no Returning Officer or Officers who may be hereafter appointed, shall continue any Election more than six days, but shall at the expiration of that time, close the poll, notwithstanding any law, usage or custom to the contrary.

C H A P. XII.

An Act for the better regulating the STATUTE LABOUR, in the Counties of ESSEX and KENT, in the WESTERN DISTRICT.

[March 16th, 1803.]

Preamble.

WHEREAS, it is necessary so amend and keep in repair the Public Highway, leading through part of the Counties of Essex and Kent in the Western District; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Magistrates of the Western District, in Quarter Sessions assembled, or the major part of them, and they are hereby empowered to appoint one or more overseer or overseers, and to direct him or them when they shall deem it expedient, to order such inhabitants

habitants of the County of Kent as are liable to perform Statute Labour upon the Highways and Roads, to keep in good and sufficient repair that part of the Road and also the Bridges upon the same, beginning at the upper or second fork of the River Thames, in the Township of Tilbury, thence leading down the said River Thames, and continuing along Lake Sinclair to Belle River, and the said Magistrates in manner aforesaid, shall appoint one or more overseer or overseers and direct him or them to order such inhabitants liable to perform Statute Labour on the Highways and Roads, living between M'Kee's Creek and Belle River in the County of Essex, to keep in good and sufficient repair the Road and Bridges between Pike's Creek and the said Belle River, and across the same.

Road and bridges, to be kept in repair by the inhabitants of the county of Kent.

Road and bridges to be kept in repair by persons living between M'Kee's creek & Belle river in the county of Essex.

II. *And be it further enacted by the authority aforesaid,* That the said Magistrates in manner aforesaid, shall direct the overseer or overseers of the Townships of Howard and Harwich in the County of Kent, to order the inhabitants of the said Townships jointly to make and keep in repair a good and sufficient Bridge over the Creek running through lot number twenty-two in Harwich, commonly called and known by M'Kirgan's Creek, and shall also direct the overseer or overseers of the Townships of Camden and Chatham in the said County, to order the inhabitants of said Townships jointly to make and keep in repair a good and sufficient Road leading from the landing place on lot number three in Howard, back to Arnold's Mill, and the said Magistrates are in like manner empowered to direct the overseer or overseers of the upper half or division of the Township of Raleigh in the said County, to order the inhabitants living within the same, to keep in good and sufficient repair the bridge over the main fork near the town of Chatham, in the township of Harwich:

Bridge to be kept in repair by the inhabitants of the townships of Howard and Harwich.

Road to be kept in repair by the inhabitants of Camden and Chatham.

Bridge to be kept in repair by the inhabitants of the upper half of the township of Raleigh.

III. *And be it further enacted by the authority aforesaid,* That if any person who shall have been appointed overseer in the manner aforesaid, shall refuse or neglect to perform the several and respective duties required of him by this Act, he shall for each neglect or refusal thereof, forfeit and pay the sum of twenty shillings; and if any inhabitant as aforesaid, shall refuse or neglect to work on such roads, or towards the repair of such bridges as aforesaid, after he shall have had from such overseer four days notice so to do, he shall, for every such offence forfeit and pay the sum of five shillings.

Penalties for refusing or neglecting to do the duties required by this Act.

IV. *And be it further enacted by the authority aforesaid,* That the penalties inflicted by virtue of this Act, shall be levied and recovered by warrant under the hand and seal of some Justice of the Peace of the said District, which warrant such Justice is hereby empowered and required to grant, upon conviction of the offender, by confession or upon oath of one credible witness, and in default of payment, to levy the same by distress and sale of the offender's goods, rendering the overplus, if any, to the owner thereof, the necessary charges of making such distress and sale, being first deducted, which said penalty shall be applied towards the making and keeping in repair the said roads and bridges abovementioned, and in default of such distress, it shall and may be lawful for any such

Mode of conviction and of levying the penalties.

Application of the same.

Justice to commit the person so refusing or neglecting, to the common gaol for any time not exceeding one month, unless the penalty, forfeiture, costs, and charges shall respectively be sooner by him paid.

The work done on the said roads and bridges, part of the statute labour.

(See 41st Geo. III. c. 10 & 50th c. 1.)

V. *And be it further enacted by the authority aforesaid*, That the work to be done upon the said roads and bridges as aforesaid, shall be considered as a part of the annual Statute Labour, and shall be required only at such times as the said Statute Labour, may be by law required.

C H A P. XIII.

An Act for the better regulation of SPECIAL JURIES.

[Passed 16th March, 1808.]

Preamble.

WHEREAS, the existing Laws of this Province are found insufficient to give Special Juries in the Court of King's Bench; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the tenth, eleventh, twelfth, and thirteenth clauses of an Act passed in the thirty-fourth year of His present Majesty's Reign, intituled, "An Act for the regulation of Juries," and the whole of an Act, passed in the fortieth year of His present Majesty's Reign, intituled, "An Act for the regulation of Special Juries," shall be and the same are hereby repealed.

Part of the 34th Geo. 2. c. 1, and the whole of 40th Geo. 2. c. 2, repealed.

Special jury may be obtained without any motion in court.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for His Majesty, by His Attorney General, or by any other person duly authorised in that behalf, or for any prosecutor or defendant in any indictment or information for any misdemeanor now pending or hereafter to be brought or prosecuted in His Majesty's Court of King's Bench in this Province, or for any plaintiff or plaintiffs, defendant or defendants, in any action, suit, or cause whatsoever, now pending or hereafter to be brought and carried on in the said Court, to have and obtain a Special Jury for the trial of such indictment, information, action, suit, or cause, without any motion in Court.

Clerk of the Peace shall deliver to the Sheriff a list of persons assessed for £200 and upwards.

III. *And be it further enacted by the authority aforesaid*, That the Clerk of the Peace of each and every District, shall annually, on or before the fifteenth day of July, deliver or cause to be delivered to the Sheriff of the District,

District, a list of such men throughout the District as shall be assessed on the several assessment rolls, for the sum of two hundred pounds and upwards, for which services the said Clerks of the Peace respectively shall be entitled to receive the sum of five shillings, by an order from the Justices in Quarter Sessions assembled, upon the District Treasurer.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for His said Majesty, His Heirs and Successors, as aforesaid, or for any prosecutor or defendant in any such indictment or information, or for any plaintiff or plaintiffs, defendant or defendants in any action, suit, or cause, now pending or hereafter to be brought and carried on in the said Court of King's Bench, for the purpose of having and obtaining a Special Jury for the trial of such indictment, information, action, suit, or cause, by themselves or their attorneys respectively, to serve or cause to be served on the opposite party or parties, his, her, or their attorney or attorneys, a written notice, for him, her, or them, to appear by themselves or their respective attorney or attorneys, at the office of the Sheriff of the District in which the said indictment, information, action, suit, or cause is to be tried, on some certain day, which shall not be less than four days from the actual service of such notice, and such actual service shall be made either personally upon the opposite party or parties, his, her, or their attorney, or by a copy of such notice, to be left at the usual place of abode of the opposite party or parties, or at the usual place of abode of his, her, or their attorney.

Notice for appearance of the parties at the office of the Sheriff for the district.

V. *And be it further enacted by the authority aforesaid,* That the name of each and every man assessed as aforesaid, shall be written on separate and distinct pieces of paper, being all as near as may be of equal size, and shall be put together in a box or glass, to be provided for that purpose, from which the Sheriff, his Deputy, or any indifferent person appointed by the Court, may draw out forty of the said papers, and the said Sheriff or his Deputy, shall forthwith make a list of the names written upon the said forty papers, from which list each party, his, her, or their attorney or attorneys, shall and may alternately, strike out twelve names, and the Sheriff shall summon or cause to be summoned, the sixteen persons whose names shall remain on such list, to appear on the first day of the next ensuing Assizes, from whom a Special Jury shall be taken for the trial of the respective indictment, information, action, suit, or cause.

Manner in which 40 names of the persons assessed shall be drawn

Each party may strike out 12 out of the 40 names, remaining 16 persons shall be summoned by the Sheriff to appear the next assizes.

VI. *And be it further enacted by the authority aforesaid,* That if any party or parties who shall be served with such written notice, or his, her, or their attorney shall neglect to appear at the Sheriff's office at the said day appointed, it shall and may be lawful for the Sheriff or his Deputy, in behalf of such party, to strike out of the said list, twelve names in manner aforesaid.

If either of the parties do not appear to strike out the 12 names sheriff or his deputy shall do so for such party.

VII. *And be it further enacted by the authority aforesaid,* That every person who shall serve on a Special Jury as aforesaid, shall be entitled to receive the sum of five shillings.

5s. to be paid to each special jurymen.

Manner in which the fees for striking a special jury shall be paid.

VIII. *And be it further enacted by the authority aforesaid,* That the person or party who shall apply for such Special Jury, shall not only bear and pay the fees for striking such Jury, but shall also pay and discharge all expences occasioned by the trial of the cause by such Special Jury, and shall not have any further or other allowance for the same upon taxation of costs, than such person or party would be entitled unto; in case the issue had been tried by a common Jury, unless the Judge before whom the cause is tried shall immediately after the trial certify in open Court, under his hand, upon the back of the record, that the same was a cause proper to be tried by a Special Jury.

C H A P. XIV.

An Act for the better regulation of PARISH and TOWN OFFICERS throughout this Province.

[*Passed 16th March, 1808.*]

Preamble.

WHEREAS, the provisions contained in the seventh, eighth, and tenth clauses of an Act of the Parliament of this Province, passed in the forty-sixth year of His present Majesty's Reign, intituled, "An Act to alter and amend an Act passed in the thirty-third year of His Majesty's Reign, intituled, 'An Act to provide for the nomination and appointment of Parish and Town Officers within this Province,'" have been found inexpedient; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said seventh, eighth, and tenth clauses be and the same are hereby repealed.

Part of the 46th of Geo. 3. c 6, repealed.

Bond to be entered into by every collector of rates.

II. *And be it further enacted by the authority aforesaid,* That each and every Collector of Rates for the respective Townships of this Province, hereafter to be chosen, nominated, and appointed, shall, within one month after such nomination, or before he shall collect any money, enter into a bond jointly and severally, with two sufficient freeholders, to the Treasurer of the District, for which he shall be so nominated or appointed, in the sum of two hundred pounds, lawful money of this Province; which bond shall be in the following form:

Form of the bond and condition.
(For condition, see 63d Geo. III. c 9, s 2.)

KNOW all men by these presents, that I A. B. Collector of the Rates for the Township of _____ in the District of _____ C. D. and E. F. of the _____

the same place, yeomen, (or as the case may be,) are held and firmly bound to I. O. Treasurer of the District of in the sum of two hundred pounds, lawful money of Upper Canada, for which payment well and truly to be made to the said I. O. we bind ourselves, jointly and severally, our and each of our heirs, executors and administrators, firmly by these presents. Sealed with our Seals. Dated at this day of &c. &c.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Town Clerks in their respective Townships, and they are hereby required to provide such bond, and transmit the same to the Treasurer of said District, within one month after the said bond shall be executed, for which each and every of them shall be allowed the sum of five shillings, to be paid out of the District treasury.

Town clerks to provide the said bonds.

IV. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, if any person who shall be chosen or nominated as a Collector, shall die, or leave the Parish or Township, within the year for which he shall be chosen or nominated, it shall and may be lawful for the Justices of the Peace in Quarter Sessions assembled, or the majority of them, to nominate and appoint a fit and proper person to fill the vacancy occasioned by such death or removal, and such Collector so nominated, shall be and he is hereby declared to be vested with the same power and liable to the same penalties as any Collector nominated and appointed under any Act or Acts of the Legislature of this Province.

If collector should die or leave the parish, the Quarter Sessions to fill the vacancy.

(See 33d Geo. III. c. 24, 3, and 52d c. 9.)

C H A P. XV.

An Act for building a COURT HOUSE and GAOL in the Township of ELIZABETH-TOWN, in the District of Johnstown.

[March 16th, 1808.]

WHEREAS, the present Court House and Gaol in the Town of Johnstown, in the District of Johnstown, is situate at the lower extremity of the said District, which renders it inconvenient, and whereas, the inhabitants of said District are desirous of building a new Court House and Gaol in a more central situation; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same,

Preamble.

Quarter Sessions to fix the place where the court house and gaol of the district of Johnstown shall be erected within the township of Elizabethtown.

same, That it shall and may be lawful for the Justices of the Peace of the said District of Johnstown, in General Quarter Sessions assembled, or the greater part of them, to fix upon a scite or situation on the front end or ends of lots number ten, eleven or twelve in the first Concession of Elizabethtown, adjoining the King's Highway, where a Court House and Gaol may be built.

The said court house and gaol shall be erected according to the rules, &c. enacted by the 32 Geo. 3, ch. 8 except so far as varied by this act

II. *And be it further enacted by the authority aforesaid,* That a Gaol and Court House for the said District of Johnstown shall and may be erected and built on lot number ten, eleven or twelve in the first Concession of Elizabethtown, within the said District of Johnstown, in such manner and under such rules, regulations and directions as in that respect are made and provided in and by a certain Act passed in the thirty second year of His Majesty's Reign, intituled, "An Act for building a Gaol and Court House in every District throughout this Province, and for altering the names of the said Districts," and that all and every the clauses, provisions, rules, regulations, matters and things in the said last recited Act contained, shall under the same penalties as therein are contained in all cases and in respect to all persons, extend and be extended to the District of Johnstown aforesaid, except in as far as the same may be varied and altered by this Act.

When the said court house and gaol shall by the quarter sessions be declared to be such for the district of Johnstown.

(See 34th, Geo. III. c. 10, s. 1.)

III. *And be it further enacted by the authority aforesaid,* That as soon as the Justices of the Peace for the said District, in General Quarter Sessions assembled, or the majority of them, shall be satisfied that the said Court House and Gaol are sufficiently finished, the said Court House and Gaol shall be and they are hereby declared to be the Gaol and Court House of the said District of Johnstown.

Good title to be obtained to the land on which it is to be built.

IV. *Provided always,* That nothing in this Act contained shall extend or be construed to extend to authorize the Justices as aforesaid, to build said Court House and Gaol on land belonging to any person or persons without first obtaining a good and sufficient title from such person or persons.

Said court house and gaol to be finished within 3 years.

V. *Provided always, and be it further enacted by the authority aforesaid.* That unless such Gaol and Court House shall be built and finished within three years from the passing of this Act, so that persons may be confined in the one, and the different Courts of Justice be properly accommodated in the other, then and in such case this Act shall be and the same is hereby declared to be null and void.

No part of the assessments of the district to be applied for the purpose of this Act.

VI. *Provided always, and be it further enacted by the authority aforesaid,* That it shall not be lawful for the Justices aforesaid, to apply any part of the assessments and rates of the said District to or for the purpose of this Act.

C H A P. XVI.

An Act to amend an Act passed in the forty-seventh year of His Majesty's Reign, intituled,
"An Act to Establish PUBLIC SCHOOLS in each and every District of this Province."

47th Geo. III. c 6.

[Passed 16th March, 1808.]

WHEREAS, an Act passed in the forty-seventh year of His Majesty's Reign, intituled, "An Act to establish Public Schools in each and every District of this Province," requires to be amended; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That so much of the said Act as enacts that the Public School for the District of London shall be opened and kept in the Township of Townsend, shall be and the same is hereby repealed.

Preamble.

Such part of the 47th Geo. 3, ch 6, as respects the district of London repealed.

II. *And be it further enacted by the authority aforesaid,* That the Public School for the said District of London, shall be opened and kept at such place as the Trustees of the Public School for the said District, or the majority of them for the time being, shall order and direct.

Place where the school for that district shall be opened and kept.

III. *And be it further enacted by the authority aforesaid,* That so much of the said Act as limits the duration of it to four years and from thence to the end of the then next ensuing Session of Parliament, shall be and the same is hereby repealed.

Such part of the said 47th of Geo. 3, as limits its duration repealed.

STATUTES OF *UPPER-CANADA,*

PASSED IN THE FIRST SESSION OF THE FIFTH PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE SECOND DAY OF FEBRUARY, AND PROROGUED ON THE NINTH
DAY OF MARCH FOLLOWING, IN THE FORTY-NINTH YEAR
OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

ANNO DOMINI 1809.

C H A P. I.

An Act for the continuing for a limited time the PROVISIONAL AGREEMENT entered into between this Province and Lower Canada, at Montreal, on the fifth day of July, in the year one thousand eight hundred and four, relative to DUTIES, also for continuing for a limited time the several Acts of the Parliament of this Province, now in force relating thereto. (See 58th Geo. III. c. 13.)

[Expired.]

C H A P. II.

An Act for QUARTERING and BILLETING on certain occasions His Majesty's TROOPS and the MILITIA of this Province.

[Passed 9th March, 1809.]

WHEREAS, the Laws now in force for Quartersing and Billeting His Majesty's Troops, and the Militia of this Province, are not sufficiently applicable to the situation thereof, Be it enacted by the King's Most

Preamble,

Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, when and as often as the said Troops or Militia shall be on a march within the said Province, each and every householder therein, shall furnish them when required, in manner hereinafter mentioned, with house-room, fire and utensils for cooking, and in cases of emergency, by actual invasion or otherwise, it shall and may be lawful for the Officer commanding His Majesty's Troops or Militia, or in cases where orders cannot be received from him in due time, for the Officer commanding any regiment, battalion or detachment of Troops or Militia, to direct and authorize any Officer of the same, having first obtained a warrant for such purpose from one of His Majesty's Justices of the Peace, to impress such horses, carriages and oxen as the service may require, for the use of which, the owner or owners thereof, shall be entitled to receive the sum of *seven shillings and six-pence (a)* per day, for every cart or carriage, with two horses or oxen, during such time as they shall be employed in such service, and when and so often as the owner of such team shall send a driver, he shall be allowed a further sum of two shillings and sixpence per day.

What shall be furnished to the militia, when on a march.
(See 48th Geo. III. c. 1. s. 9.)

In case of actual invasion or emergency, horses, carriages and oxen to be impressed.

Hire to be allowed for such horses, carriages and oxen.

(a) See 59th Geo. III. c. 10. s. 1.

II. *And be it further enacted by the authority aforesaid,* That when the said Troops or Militia, or any regiment, battalion or detachment of the same, are on a march as aforesaid, the Officer commanding such Troops or Militia, or any regiment, battalion or detachment thereof, shall present to one of His Majesty's Justices of the Peace, the order received by him from the Commander of the said Troops or Militia, authorizing him the said Officer commanding, as aforesaid, to make, and when upon extraordinary emergencies, such order cannot be obtained, it shall and may be lawful for him the said Officer commanding as aforesaid, to make a requisition in writing to such Justice to Billet, who shall immediately thereupon, so billet the said Troops or Militia, as to facilitate their march, and in such manner as may be most commodious to the inhabitants, and that every inhabitant householder, who shall refuse to receive the said Troops or Militia, so billeted on them as aforesaid, shall, for every such offence, forfeit and pay the sum of forty shillings.

Militia to be billeted on their march.

Penalty for refusing billet.

III. *And be it further enacted by the authority aforesaid,* That when the safety of this Province, shall require that the said Troops or Militia, or any regiment, battalion or detachment of the same, should be cantoned in any part or parts of the said Province, then and in such case, it shall and may be lawful for one of His Majesty's Justices of the Peace in the respective Districts, where such Troops or Militia may be cantoned, upon receiving an order from the Commander of the said Troops or Militia, or by a requisition from the Officer commanding any such cantonment, to quarter and billet

The mode of billeting the militia when cantoned.

Redress in case any person shall think himself aggrieved.

billet, and the said Justice is hereby required to quarter and billet the Officers, Non-commissioned Officers and Privates of the said Troops or Militia, upon the several inhabitant householders, as near as may be to the place of cantonment, so that the said Troops or Militia billeted on each inhabitant householder, shall not exceed six in number, avoiding as much as possible, to incommode the said inhabitants, and taking due care to accommodate the said Troops or Militia, and if any inhabitant householder shall refuse to receive such Troops or Militia, so billeted on him as aforesaid, he shall for each and every offence, forfeit and pay the sum of forty shillings. And if any inhabitant shall consider himself aggrieved, by having a greater number of the said Troops or Militia billeted upon him than he ought to bear in proportion to his neighbours, by the said Justice, on complaint being made to two or more Justices of the District where such Troops or Militia shall be cantoned, it shall and may be lawful for such Justices, and they are hereby authorised to relieve such inhabitant, by ordering such and so many of the said Troops or Militia, to be removed and quartered upon such other person or persons as they shall see cause, and such other person or persons shall be obliged, under the penalty of forty shillings, to receive such Troops or Militia accordingly. *Provided*, That no Justice or Justices of the Peace having any military office or commission in the said Troops or Militia, shall directly or indirectly, be concerned in the quartering or billeting of any Officer, Non-commissioned Officer, Soldier or Soldiers of the regiment, company or detachment, under the immediate command of such Justice or Justices.

Carriages to be furnished to the Militia when in cantonment.

Rate of payment to be allowed for such carriages—distance to which they are to proceed.

(a) See 53rd Geo. III. c. 10. s. 2.

IV. *And be it further enacted by the authority aforesaid*, That when the said Troops or Militia, or any part of them, shall be so cantoned as aforesaid, any one of His Majesty's Justices of the Peace, of and in the District where such cantonment is made, upon receiving an order from the Commander in Chief of said Troops or Militia in that behalf, or a requisition in writing from the Officer commanding that cantonment, for such and so many carriages as may be requisite and necessary for the said Troops or Militia, shall and may, and he is hereby required, to issue his warrant, to such person or persons as may be possessed of carriages, within his jurisdiction, requiring him or them to furnish the same, for the service aforesaid, *at and after the rate of payment allowed to carriages furnished to the said Troops or Militia when on a march, herein before mentioned (a),* and if any such person or persons shall neglect or refuse, after receiving such warrant, to furnish his or their carriage or carriages, for that service, each and every such person or persons shall forfeit and pay the sum of forty shillings. *Provided always*, That such carriage or carriages, horses or oxen, or the carriage or carriages mentioned in the first clause of this Act, shall not be compelled to proceed more than thirty miles, unless in cases where other carriages horses or oxen, cannot immediately be had to replace them.

V. And whereas in cases of emergency, it may sometimes become necessary to provide proper and speedy means for the conveyance by water, of the said Troops or Militia, and also of their ammunition, provisions and baggage, *Be it therefore further enacted by the authority aforesaid*, That any

one of His Majesty's Justices of the Peace, of and in the District where such Troops or Militia may be either on a march, or in cantonment, upon receiving an order from the Commander in Chief of the said Troops or Militia in that behalf, or a requisition in writing from the Officer commanding any regiment or detachment of the same, for such boats or other craft, as may be requisite for the conveyance of the said Troops or Militia, and their ammunition, provisions and baggage, shall and may, and he is hereby required to issue his warrant to such person or persons as may be possessed of such boats or other craft, within his jurisdiction, requiring him or them to furnish the same for that service, at and after the rate of payment to be allowed by the said Justice, not exceeding the usual rate of hire for such boats or other craft, and if any such person or persons shall neglect or refuse, after receiving such warrant, to furnish his or their boats or craft, for that service, each and every such person or persons shall forfeit and pay the sum of five pounds.

Boats or other craft
to be furnished in cases
of emergency.

Penalty.

VI. *And be it further enacted by the authority aforesaid,* That all penalties and forfeitures by this Act inflicted, or authorized to be imposed, shall be levied and recovered, by distress and sale of the offender's goods and chattels, by warrant under the hand and seal of any Justice of the Peace, and such Justice is hereby empowered and required, to grant the same upon the confession of the party or parties, or upon the evidence of any one or more credible witness or witnesses, upon oath, and the overplus, if any, of the money arising by such distress and sale, shall be returned upon demand, to the owner or owners of such goods and chattels, deducting therefrom the costs and charges of such distress and sale, one half of the said penalties and forfeitures shall be paid to the informer, the other half into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty, through the Commissioners of His Treasury, for the time being, and in such manner and form as it shall please His Majesty to direct.

Mode of recovering
penalties under this
act.

VII. *And be it further enacted by the authority aforesaid,* That an Act or Ordinance of the late Province of Quebec, passed in the twenty-seventh year of His Majesty's Reign, intituled "An Ordinance for quartering the Troops upon certain occasions in the country Parishes, and providing for the conveyance of effects belonging to the Government." be, and the same is hereby repealed.

Ordinance of Que-
bec, 27th Geo. 3d re-
pealed.

C H A P. III.

An Act to encourage the Destroying of WOLVES in this Province.

[Passed 9th March, 1809.]

WHEREAS, the inhabitants of this Province have suffered, and continue to suffer great injury and damage from Wolves, since the discontinuance of the Bounty heretofore granted for the destroying them; Therefore be it enacted

Preamble.

On presenting a certificate from a Justice the sum of 20s. to be paid for the scalp of every wolf taken and killed.

Exception as to the Indians.

Payment by the Treasurer of the district.

Certain expences of the district to be paid before payment made by virtue of the certificate.

enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, all and every person or persons who shall kill or cause to be killed any Wolf or Wolves, and who shall, after the death thereof, take or cause to be taken the scalp or scalps with the ears on the same, of such Wolf or Wolves, before any one of His Majesty's Justices of the Peace, acting within the division where such Town, Township or Parish, where the said Wolf or Wolves shall have been killed, shall be, and make oath before the said Justice, that the said Wolf or Wolves was or were killed within the said Town, Township or Parish, or within five miles of any inhabited place next adjoining the said Town, Township or Parish, which oath the said Justice is hereby empowered to administer, the said Justice having first destroyed the said scalp or scalps, shall give to such person or persons a certificate of the fact or facts having been proved to his satisfaction, and such certificate being presented to the Treasurer of the District, shall authorise the person or persons obtaining and presenting the same, to ask for, demand and receive of and from the said Treasurer, the sum of Twenty Shillings for the scalp of every Wolf so taken and presented. *Provided always*, That nothing herein contained shall extend or be construed to extend the said reward to any Indian or Indians, who shall kill or cause to be killed any Wolf or Wolves as aforesaid.

II. *And be it further enacted by the authority aforesaid*, That when and so often as any person or persons, possessed of any such certificates as aforesaid, shall present the same to the Treasurer of the District wherein such Wolf or Wolves shall have been destroyed, he, the said Treasurer, shall forthwith pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, provided the District fund in his hands do enable him so to do, and if the District fund in his hands do not enable him the said District Treasurer to pay and satisfy such bounty forthwith, then and in such case, he the said District Treasurer shall pay and satisfy the same out of the monies of the District which shall next thereafter come into his hands.

III. *Provided always, and be it further enacted by the authority aforesaid*, That it shall not be lawful for the Treasurer of any District to pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, until he shall have paid the other annual expences of the District, arising from the building a Court-house and Gaol, and keeping the same in repair, the salary of the Clerk of the Peace and Gaoler, the maintenance of the prisoners, and the fees of the Coroners and other officers, any thing herein contained to the contrary notwithstanding.

IV. *And be it further enacted by the authority aforesaid, That when and as often as the funds of any District will, according to the provisions of this Act, enable the Treasurer of such District to pay and satisfy the bounty to which such certificate shall entitle the person or persons presenting the same, it shall and may be lawful for the Magistrates of such District, in Quarter Sessions assembled, to order that each and every certificate granted as aforesaid for having destroyed a Wolf or Wolves, shall be a lawful tender to the full value and amount therein specified, for and towards the discharge of any District rate or assessment to be collected of or from any person or persons within the District; wherein such Wolf or Wolves shall have been destroyed; and shall, accordingly as such, be accepted and taken as equivalent to so much of the current gold or silver coin of this Province, by the Collector of each and every Township within such District respectively, and as such, shall and may by each and every Collector respectively, be paid and delivered over to the District Treasurer, by whom the same shall in like manner be taken and accepted as a lawful tender, and equivalent to so much of the aforesaid current coin of this Province.*

Under what circumstances the certificate shall be accepted as a discharge for the sum therein contained, of any district assessment,

C H A P. IV.

An Act for the more effectual preventing of FRIVOLOUS and VEXATIOUS SUITS, and to authorize the LEVYING of POUNDAGE upon EXECUTIONS in certain CASES, and to regulate the SALES by SHERIFFS and other Officers.

[Passed 9th March, 1809.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That in all actions to be brought in the Province of Upper-Canada, from and after the passing of this Act, wherein the defendant or defendants shall be arrested and held to bail, and wherein the plaintiff or plaintiffs shall not recover the amount of the sum for which the defendant or defendants in such action shall have been so arrested and held to Special Bail, such defendant or defendants shall be entitled to costs of Suit, to be taxed according to the custom of the Court, in which such action shall have been brought, provided it shall be made appear to the satisfaction of the Court, in which such action is brought, upon motion to be made in Court for that purpose, and upon hearing the parties by affidavit, that the plaintiff or plaintiffs in such action, had not any reasonable or probable cause for causing the defendant or defendants to be arrested and held to Special Bail, in such amount as aforesaid; and provided that such Court shall thereupon by Rule or Order of the same

Circumstances under which defendant when held to special bail, shall be entitled to costs of suit.

Court,

Court, direct that such costs shall be allowed to the defendant or defendants, and the plaintiff or plaintiffs shall, upon such Rule or Order being made as aforesaid, be disabled from taking out any Execution for the sum recovered in any such action, unless the same shall exceed, and then in such sum only, as the same shall exceed the amount of the taxed costs of the defendant or defendants in such action, and in case the sum recovered in any such actions shall be less than the amount of the costs of the defendant or defendants to be taxed as aforesaid, that then the defendant or defendants shall be entitled after deducting the sum of money recovered by the plaintiff or plaintiffs in such action, from the amount of his, her or their costs, to be taxed as aforesaid, to take out execution for such costs in like manner as a defendant or defendants may now by law have execution for costs in other cases.

In actions on Judgments, plaintiff not entitled to costs, unless by rule of Court.

II. *And be it further enacted by the authority aforesaid*, That in all actions which shall be brought in the Province of Upper-Canada after the passing of this Act, upon any judgment recovered, or which shall be recovered, in any Court of the said Province; the plaintiff or plaintiffs in such action on the judgment, shall not recover, or be entitled to any costs of suit, unless the Court in which such action on the judgment shall be brought, or some Judge of the same Court shall otherwise order.

Plaintiffs may levy poundage and expense of execution beyond the judgment.

III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, in every action in which the plaintiff or plaintiffs shall be entitled to levy under an execution, against the goods of any defendant or defendants, such plaintiff or plaintiffs may also levy the Poundage fees and expences of the execution, over and above the sum recovered by the judgment.

On mesne process after return thereof, defendants in custody may in vacation justify bail before one Justice.

IV. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, if any defendant or defendants shall be taken, detained or charged in custody, at the suit of any person or persons upon mesne process, issuing out of the Court of King's Bench, in the said Province, and shall be imprisoned and detained thereon, after the return of such process, it shall and may be lawful for such defendant or defendants in vacation time only, and upon due notice thereof given to the Attorney of the plaintiff or plaintiffs in such process, to put in and justify Bail before the Chief Justice or any of the Justices of the said Court of King's Bench, who may, if he shall think fit, thereupon order a rule to issue for the allowance of such Bail, and may further order such defendant to be discharged out of custody, by Writ of Supersedeas, or otherwise, according to the practice of the said Court, in like manner as the same is, and may be done, by an order from the Court in Term time.

Eight days notice to be given of sale by Sheriff.

V. *And be it further enacted by the authority aforesaid*, That no Sheriff or other Officer, in any District of this Province, shall proceed to the sale of any effects, taken by virtue of any Writ of Execution, until public notice in writing thereof is given, at least eight days previous thereto, at the most public place in the Town or Township where such effects may have been

been taken in execution, and of the time and place where such effects are to be exposed to sale.

(See 34th Geo. III.
c. 2. & 49th c. 1.)

C H A P. V.

An Act for applying certain sums of MONEY therein mentioned, to make good certain MONIES issued and advanced by His Majesty through the Lieutenant Governor in pursuance of several Addresses.

C H A P. VI.

An Act for the relief of MENONISTS and TUNKERS in certain CASES.

[Passed 9th March, 1809.]

WHEREAS, the Religious Societies of the Menonists and Tunkers, from scruples of Conscience against taking an Oath, are subject to many inconveniencies to themselves and families, as well as to others who may require their evidence; for remedy whereof, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province;" and by the authority of the same, That from and after the passing of this Act, every Menonist or Tunker, in any case in which an Oath is required by Law, or upon any lawful occasion, wherein the Affirmation or Declaration of a Quaker will by Law be admitted, shall be, and is hereby permitted to make his or her Affirmation or Declaration in the same manner and form as a Quaker by the Laws now in force is required to do, having first made the following Affirmation or Declaration, that is to say:—"I, A.B. do solemnly, sincerely, and truly affirm and declare, that I am one of the Society of Tunkers or Menonists," (as the case may be) which affirmation or declaration as aforesaid of any Menonist or Tunker, except as hereinafter excepted, is hereby declared to be of the same force and effect to all intents and purposes in all Courts of Justice and other places where by Law an oath is or shall be allowed, authorised, directed or required, as if such Menonist or Tunker had taken an oath in the usual form, and all and every person or persons who is or are, or shall be authorised or required to administer any oath required by any Law now in force or hereafter to be made, although no express provision is made for the purpose in any such Law, shall be, and is or are hereby required to administer such Affirmation or Declaration.

Preamble.

Menonists and Tunkers permitted to make the like affirmation with Quakers.

False affirmation subject to the like punishment with that of a false oath.

II. *And be it further enacted by the authority aforesaid*, That if any person making such Affirmation or Declaration shall be lawfully convicted of having wilfully, falsely and corruptly affirmed and declared any matter or thing, which if the same had been deposed in the usual form upon oath, would have amounted to wilful and corrupt perjury, every such person so offending shall incur and suffer all the pains, penalties, forfeitures and disabilities as by the Laws now in force are to be inflicted on persons convicted of wilful and corrupt perjury.

Disabilities of Menonists and Tunkers.

III. *And be it further enacted by the authority aforesaid*, That no Menonist or Tunker shall by virtue of this Act be qualified or permitted to give evidence in any criminal cases, or to serve on juries in criminal cases, or to hold or enjoy any office or place in the Government in this Province, any thing herein contained to the contrary notwithstanding.

(See 50th Geo. III. c 11.)

C H A P. VII.

An Act for granting a sum of MONEY in aid of the building a BRIDGE across the GRAND RIVER.

C H A P. VIII.

(See 50th Geo. III. c 13.)

An Act to repeal and amend certain parts of an Act passed in the thirty-sixth year of His Majesty's Reign, intituled, "*An Act for the better regulation of certain COINS current in this Province.*" to equalize them to the standard weight and value of the like Coins in the Province of Lower Canada.

[Passed 9th March, 1809.]

Preamble.
30th Geo. III. c 1.

WHEREAS, an Act passed in the Parliament of this Province in the thirty-sixth year of His Majesty's Reign, intituled, "*An Act for the better regulation of certain Coins current in this Province,*" which it is found expedient to alter and amend in order to equalize them to the current value of the like Coins in the Province of Lower Canada; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,*" and by the authority of the same, That so much of the first clause of the above recited Act, by which it is enacted that the value of the Milled Doubloon or Four Pistole piece of Spain, weighing seventeen pennyweights Troy, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, for three pounds and fourteen shillings, and the

the French Louis D'or piece coined before the year one thousand seven hundred and ninety three, weighing five pennyweights and four grains, at one pound two shillings and six pence, and the French Pistole piece, coined before the same year, weighing four pennyweights and four grains, at eighteen shillings. Also, the second and eighth clauses of the said recited Act, be and the same are hereby repealed.

Part of the 36th of
Geo. III. c. 1, repealed.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, the Gold Coins hereinafter mentioned, shall pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, at the weights and rates following, that is to say, the Milled Doubloon or Four Pistole piece of Spain, weighing seventeen pennyweights Troy, at three pounds fourteen shillings and six pence, the French Louis D'or coined before the year one thousand seven hundred and ninety three, weighing five pennyweights and four grains, at one pound two shillings and eight pence, and the French Pistole piece coined before the same year, weighing four pennyweights and four grains, at eighteen shillings and three pence, and all the higher or lower denominations of the said Gold Coins shall also pass current and be deemed a legal tender in payment of all debts and demands whatsoever in this Province, in the same proportions respectively.

Weight and rates of
the gold coin which
shall pass current in
this Province.

III. *And be it further enacted by the authority aforesaid*, That for every grain which any piece of British, Portugal or American Gold Coins, shall weigh more than the standard required by the before recited Acts when weighed by the single piece, there shall be allowed and added in all payments, two pence and one farthing currency, and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be allowed and deducted in all payments, two pence and one farthing currency, and for every grain which any Spanish or French Gold Coins shall respectively weigh more than the standard, aforesaid, when weighed by the single piece, there shall be allowed and added in all payments two pence and one-fifth of a penny currency, and for every grain which any piece of the same shall respectively weigh less than the standard aforesaid, there shall be allowed and deducted in all payments, two pence and one fifth of a penny currency.

Allowance for every
grain which any piece
of gold coin shall
weigh over or under
the standard.

IV. And whereas it would be a great facility in making payments, if Gold Coin in certain cases was weighed in bulk, and not by the single piece as herein before mentioned; *Be it therefore enacted by the authority aforesaid*, That every payment exceeding the sum of twenty pounds currency, which shall be made in Gold Coin, after the passing of this Act, where one of the party making or receiving the same shall require, if such Gold shall be weighed in bulk and not by the single piece, that is to say, the gold coin of Great Britain, Portugal and America together, and that of Spain and France together, and the gold coins of Great Britain, Portugal and America shall be computed at the rate of eighty nine shillings currency, for each ounce Troy, according to the table hereunto annexed, marked A. and that of Spain and France, at the rate of eighty seven shillings and eight pence half-penny currency, for each ounce Troy, according to the table hereunto annexed marked B. and on each of such weighings, a de-

Regulations when in
payments gold coin is
weighed in bulk, and
not in single pieces.

C H A P. IX.

An Act for granting to His Majesty, a certain sum of MONEY out of the Funds applicable to the uses of this Province, to defray the expenses of amending and repairing the PUBLIC HIGHWAYS and ROADS, opening new ones, and building BRIDGES in the several Districts thereof. £1600 to be appropriated, &c.

[Temporary.]

STATUTES OF *UPPER-CANADA,*

PASSED IN THE SECOND SESSION OF THE FIFTH PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE TWELFTH
DAY OF MARCH FOLLOWING, IN THE FIFTIETH YEAR
OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

ANNO DOMINI 1810.

C H A P. I.

An Act to provide for the laying out, amending, and keeping in repair the PUBLIC HIGH-
WAYS and ROADS in this Province, and to repeal the Laws now in force for that purpose.

[Passed 12th March, 1810.]

Preamble.

WHEREAS, the present mode of laying out, amending, and keeping in
repair the Public Highways and Roads within this Province, and the
method of performing Statute Labour thereon, is found inconvenient; Be
it enacted by the King's Most Excellent Majesty, by and with the advice
and consent of the Legislative Council and Assembly of the Province of
Upper-Canada, constituted and assembled by virtue of and under the au-
thority of an Act passed in the Parliament of Great Britain, intituled, "An
Act to repeal certain parts of an Act passed in the fourteenth year of His
Majesty's Reign, intituled, 'An Act for making more effectual provision
for the Government of the Province of Quebec, in North America, and to
make further provision for the Government of the said Province," and by
the authority of the same, That an Act passed in the thirty-third year of
His present Majesty's Reign, intituled, "An Act to regulate the laying out,
amending

amending and keeping in repair the Public Highways and Roads within this Province;" and also an Act passed in the thirty-eighth year of His present Majesty's Reign, intituled, "An Act to alter the method of performing Statute Duty on the Highways and Roads within this Province," shall be and the same are hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for His Majesty's Justices of the Peace in General Quarter Sessions assembled in the month of April in each and every year, in the several Districts of this Province, except in the Districts of London and Johnstown, and in the District of London for His Majesty's Justices of the Peace so assembled, in the month of June, and in the District of Johnstown, for His Majesty's Justices of the Peace so assembled, in the month of May, in each and every year, or the majority of them, to appoint as occasion may require, one or more Surveyor, or Surveyors of Highways, in each and every County and Riding, throughout this Province within their respective Districts, to lay out and regulate the Highways and Roads within such County or Riding, in manner herein after mentioned, and such Surveyor or Surveyors, before he or they shall enter upon their office, shall before any Justice of the Peace take and subscribe the following Oath, which Oath the said Justice is hereby authorised to administer: "I A. B. do swear, that I will faithfully and diligently discharge the duty of a Surveyor of Highways, agreeably to the provisions of an Act passed in the fiftieth year of His Majesty's Reign, intituled, "An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose." And if on complaint made, or otherwise it shall appear to the Justices of the Peace in Quarter Sessions assembled, that any such Surveyor or Surveyors is or are incompetent to the discharge of his or their duty, or negligent in the performance thereof, it shall and may be lawful for the said Justices so assembled, to remove the said Surveyor or Surveyors.

Surveyors of the Highways to be appointed by the Q'r. Sessions.

Oath of the Surveyor of Highways.

III. *And be it further enacted by the authority aforesaid,* That upon application in writing being made to any such Surveyor by Twelve Freeholders of any such County or Riding, stating that any Public Highway or Road in the neighborhood of the said Freeholders now in use, is inconvenient and may be altered so as better to accommodate His Majesty's Subjects and others travelling thereon, or that it is necessary to open a new Highway or Road, it shall and may be lawful for such Surveyor, and he is hereby required to examine the same and report thereon in writing to the Justices at their next ensuing Quarter Sessions, describing particularly the alteration intended to be made, or new Highway or Road to be opened, giving at the same time public notice thereof by affixing or causing to be affixed, a copy of the said report in two or more of the most public places next adjacent to the place where the said alteration is intended to be made, or new Highway or Road to be opened, and if no opposition, as herein-after mentioned, shall be made to such report, it shall and may be lawful for the said Justices or the major part of them, and they are hereby required to confirm the said report, and to direct such alteration to be made

The Surveyors, on application to alter or open a road, shall report thereupon to the Q'r. Sessions—if no opposition, the report to be confirmed—if opposition, the report to be confirmed, annulled or modified by a Jury.

or

or such new Highway or Road to be opened accordingly. And when and so often as any application shall be made, to the said Justices in Quarter Sessions assembled as aforesaid, in opposition to the said report, it shall and may be lawful for the said Justices on its being made to appear to their satisfaction, that due notice hath been given to the Surveyor by whom such report as aforesaid was made, to direct a Jury of Twelve disinterested men to be empaneled out of the persons returned to serve as Jurors at the said Sessions; who after hearing evidence upon Oath, touching and concerning the said intended alteration, or new Highway or Road, shall upon their Oath, either confirm or annul the said report, or so alter and modify the same as the exigency of the case may appear to require, and their verdict shall be final, and the said Justices shall direct such Highway or Road to be altered or opened accordingly. And such Highway or Road so altered or opened, shall be and is hereby declared to be a Common and Public Highway. And the said report so confirmed or altered, shall remain as a record and description of the said Highway or Road, in the Office of the Clerk of the Peace, and a copy thereof shall be entered in a book to be by him kept for that purpose, and for every such entry, he shall be allowed the sum of five shillings and no more, to be paid out of the Treasury of the District. *Provided always*, That it shall not be lawful to lay out or alter any Public Highway or Road so as to lead the same through any Orchard or Garden, or to remove any Building, without the consent of the owner first had and obtained, any thing in this Act contained to the contrary in any wise notwithstanding.

No highway to be altered so as to lead thro' any Orchard, &c. or to remove any building without the consent of the owner.

Quarter Sessions may authorize the Surveyor of Highways to employ a Surveyor of Lands.

(a) See 52d Geo. III. c. 10.
Pay of Surveyor of Lands.

IV. *And be it further enacted by the authority aforesaid*, That when and so often as it shall appear to the Justices of the Peace in Quarter Sessions assembled, that it will be necessary or useful to employ a Surveyor of Lands, in laying out or altering any Highway or Road as aforesaid, it shall and may be lawful for them to order and direct any Surveyor of Highways of the County or Riding in which such Highway or Road is intended to be laid out or altered, to employ such Surveyor of Lands, who shall be paid out of the District Treasury (a), by an order of the said Justices, for the number of days in which he shall have been so employed; at the rate of ten shillings for each day.

Width of the Roads.

V. *And be it further enacted by the authority aforesaid*, That the width of the Roads hereafter to be laid out, shall be left to the direction of the Surveyor or Surveyors for the time being, of the County or Riding through which such Roads may pass, so that the same shall not be less than thirty feet, nor more than sixty feet. *Provided always*, That the Roads in front and between every Concession, shall in no case be less than sixty feet, except in such Township, reputed Township, or place where the allowance for Road by Government, shall be less than sixty feet.

Width of the bridges and causeways, trees to be cut down for building of the same.

VI. *And be it further enacted by the authority aforesaid*, That all Bridges and Causeways hereafter to be built upon any Public Highway or Road, shall not be less than fifteen feet in width, and in order to provide materials for the same, it shall and may be lawful for the Overseers to direct the labourers

bourers performing such duty as hereinafter mentioned, to cut down and make use of any trees standing upon any uninclosed and unimproved Lands that may be most convenient and best adapted to building or repairing such Bridges or Causeways as aforesaid.

VII. *And be it further enacted by the authority aforesaid,* That when any Public Highway or Road does pass by any deep water or dangerous precipice, the Overseers shall cause good and sufficient Fences to be erected at the sides of the said Highway or Road, for the security of His Majesty's subjects and others who may travel thereon.

Fences to be erected where there are waters or precipices.

VIII. *And be it further enacted by the authority aforesaid,* That every such Surveyor of Highways as aforesaid, for the time being, shall be allowed seven shillings and sixpence per day, for every day in which he shall be necessarily employed in carrying into effect the provisions of this Act, an account of which, such Surveyor shall present to the Justices of the Peace in Quarter Sessions assembled, for their inspection, who being satisfied that such account is proper and correct, shall order and direct the Treasurer of the District forthwith to pay the same. (a)

Pay to be allowed to the Surveyors of Highways.

(a) See Stat. Geo. III. c. 10.

IX. *And be it further enacted by the authority aforesaid,* That in all cases when it shall be found necessary to alter the direction of any such Highway or Road already laid out, so that the Land through which it formerly passed, shall become unnecessary for a Public Highway, that in such case it shall and may be lawful for any Surveyor or Surveyors to be appointed under and by virtue of this Act, and he or they are hereby fully authorised and required to sell such Land, and to grant the same under his hand and seal, or their hands and seals, to any purchaser, which sale and grant as aforesaid, shall convey a legal Title to such purchaser. *Provided nevertheless,* That if the owner or owners of the Land through which such new Road may pass, shall be willing to accept the old Road as a compensation, such owner or owners shall and may take the same by a conveyance under the hand and seal of the Surveyor or Surveyors as aforesaid; which he or they are hereby fully authorized to give.

Surveyor to sell the land through which an old road formerly passed, unless the owners of the land thro' which the new road may pass shall take the same as a compensation.

X. *And be it further enacted by the authority aforesaid,* That when any sale shall take place as aforesaid, the money arising therefrom, shall be given to the owner or owners of the Land through which the new Road may pass, as an indemnification for the same, and if such owner or owners shall not be satisfied therewith, it shall and may be lawful for him, her or them to signify the same to the said Surveyor or Surveyors, who are hereby required to report the further claim for compensation of such owner or owners, to the Justices of the Peace at the next ensuing Quarter Sessions assembled, and to give notice to the said owner or owners to appear at the said Sessions, and the Justices so assembled, shall direct a Jury of twelve disinterested men to be empaneled out of the persons returned to serve as Jurors, at such Quarter Sessions, and the said Jury shall upon their oaths determine whether any, and what further sum shall be allowed to such owner or owners as aforesaid, and their verdict shall be final; and in case such Jury shall

The price of the land sold, to be given to the owner of the land thro' which the new road may pass,

if he is not satisfied with the same, a Jury to determine what compensation he shall receive.

shall award any further sum to such owner or owners, the said Justices so assembled as aforesaid, are hereby authorised and required to order and direct the Treasurer of the District forthwith to pay the same.

Justices to ascertain the divisions which they shall allot to the overseers in parishes townships, &c.—may give orders to the overseers.

Duty of the overseer.

Penalty for not obeying the summons and order of the overseer.

Penalty if overseer shall neglect to summon.

What shall be deemed a common and public highway.

Penalty for stopping or incumbering roads, destroying fences and railing of bridges.

Mode of appointing overseers of the highways.

XI. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace acting within their respective Counties or Ridings for the time being, shall and may (at a Special Sessions in the month of March, to be holden for that purpose) divide their respective Parishes, Townships or Ridings, into divisions, which they shall allot to the Overseers of the Highways and Roads, and the said Overseers shall superintend; repair and keep in order the Highways and Roads, Streets and Bridges in their several divisions, and the said Justices or the majority of them, may from time to time, order any Overseer to work upon any Highway or Road within his division, as they shall think necessary, and the said Overseer shall within ten days after having received such order, summon such persons within his division, as are obliged to perform Statute Duty or Labour, and order them to work on such part of the Road or Highway, as they shall be directed to amend or repair, and shall direct all persons performing such labour, to destroy as much as may be in their power, all weeds that are hurtful to Husbandry, and every person neglecting or refusing to obey such order, shall be subject to the like penalties, as if he had been a wilful defaulter for that day, or for such time as he shall have so neglected or refused, and if any Overseer shall refuse or neglect to summon such persons as aforesaid, and set them to work on such Road or Highway as he shall be directed to amend or repair, he shall for every such neglect or refusal, forfeit the sum of forty shillings, to be recovered in manner hereinafter set forth.

XII. *And be it further enacted by the authority aforesaid,* That all allowances for Roads, made by the King's Surveyors in any Town, Township or place already laid out, or which shall be made in any Town, Township or place within this Province, and also all Roads laid out by virtue of any Act of the Parliament of this Province, or any Roads whereon the Public Money hath been expended for opening said Roads throughout this Province, or whereon the Statute Labour hath been usually performed, or any Roads passing through the Indian Lands, shall be deemed Common and Public Highways, unless any such Roads have been already altered according to Law, or until such Road or Roads shall be altered according to the provisions of this Act.

XIII. *And be it further enacted by the authority aforesaid,* That if any person or persons, shall wilfully stop up or incumber any such Road or Roads as aforesaid, or shall pull down or destroy any Fences along canals or precipices, or Railing of Bridges, that have been or shall be put up according to Law, for the security of travellers; he, she or they shall forfeit and pay for every such offence, the sum of two pounds, to be recovered in manner hereinafter mentioned.

XIV. *And be it further enacted by the authority aforesaid,* That the persons to be employed as Overseers of the highways and Roads in every Parish-Township

Township or Place within this Province, shall be nominated and appointed according to the provisions for that purpose made, in a certain Act of the Legislature of this Province, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," and also by an Act intituled, "An Act to alter and amend an Act passed in the thirty-third year of His Majesty's Reign, intituled, 'An Act to provide for the nomination and appointment of Parish and Town Officers, and also to repeal certain parts of an Act passed in the thirty-third year of His present Majesty's Reign, intituled, 'An Act to authorize and direct the laying and collecting the Assessments and Rates in every District of this Province, and to provide for the payment of wages to the Members of the House of Assembly."

33d Geo. III. c 2, &
46th, c 5.

XV. *And be it further enacted by the authority aforesaid,* That the Overseers of every Township, reputed Township, or Place, shall severally make out and keep a list of every person who is the owner of a cart, waggon, plough, sled, or team, within their division, and likewise of all the inhabitants of such division, who are liable, under the directions of this Act, to work upon the Highways, a copy of which list, shall be subscribed by the said Overseers respectively, and delivered to the Justices of the Peace, acting within the County or division to which they the said Overseers belong, within twenty days after they shall have been appointed Overseers as aforesaid, and the said Overseers for every Township, reputed Township, or Place, and each of them, shall carefully and diligently collect the several compositions, forfeitures, and sums of money directed and allowed to be received and taken within the same, by virtue of this Act, within the year for which he is appointed Overseer, and shall also, keep one or more book or books containing an account of the duty or labour done, compounded for or unperformed by every person liable to discharge the same within his division, and also a just, true and fair account, to be verified on oath if required, which oath the Justices are hereby authorised to administer, of all such money as shall come into his hands in respect to such division, by virtue of and for the purposes of this Act, and to whom and on what occasion he shall have paid and applied the same, and also of the sums of money that shall then remain due and owing, from any person or persons in respect of payments, compositions and forfeitures, to be taken and received for and in respect of the said Highways, by virtue of this Act; which book or books shall be delivered to the said Justices, acting within their respective divisions or Counties, at some Special Sessions to be holden for that purpose, in the month of March in every year.

List to be made of
persons liable to work
on the highways.

Copy to be delivered
to the Justices of the
Peace.

Overseers to collect
compositions and for-
feitures.

To keep an account
of the duty done, com-
pounded or unperform-
ed.

Also of such money
as he shall have receiv-
ed by virtue of this Act,
and have applied—also
of what money is due.
Such account to be de-
livered to the Justices
at Special Sessions.

XVI. *And be it further enacted by the authority aforesaid,* That the Roads and Highways in and through every Township, reputed Township or Place, shall be cleared, repaired and maintained by the inhabitants thereof, and that every person liable to work by virtue of this Act, shall either in person or by a sufficient man in his stead, be obliged to work on the said Road, and shall have and bring with him, one spade, pick-axe, bar, or such other tool or instrument, useful for the purposes aforesaid, as he may be owner of, and be directed by the Overseers to bring for and during any space of time

Persons who shall
work on the highways
to bring tools for that
purpose.

he may be liable to work on the said Roads in each and every year, allowing eight hours to each day's work, and that every person within each Township, reputed Township or Place, keeping a cart, waggon, or team of two horses, oxen or beasts of burthen or draught, used to draw the same, shall send on every day to be appointed by the said Overseers, a cart, waggon, or team, and one able man to drive the same, for such space of time as he shall be held liable to work on the said Roads by this Act, to work on the Highways, Roads, Streets or Bridges, allowing eight hours to each day's work, which said days work shall be held equivalent to two days personal labour, and if any labourer or driver shall refuse or neglect to work, or to carry good and sufficient loads during the time abovementioned, it shall and may be lawful for the said Overseer to discharge such labourer or driver, team and cart, and such labourer or driver of such team or cart, shall be liable to the forfeiture which every such person would have incurred by virtue of this Act, in case such labourer had not attended, or such team, cart and driver had not been sent.

Hours of working.

Manner of working.

Penalty for negligence, &c. in working.

Notice from the Overseer to work.

Penalty for not working in pursuance of such notice, with cart, waggon, &c. and also for not performing personal labour.

Application of such forfeitures.

Recovery of forfeitures before making up of accounts.

Roll of composition for labour.

XVII. *And be it further enacted by the authority aforesaid, That each Overseer shall from time to time give to every person, or leave or cause to be left at the house or usual place of abode of every person within his division, liable to perform the duty and labour by this Act directed, three days notice at least, either verbally or in writing, of the day, hour and place upon which each of the said days duty shall be performed, and every person possessed of a cart, waggon or team, having been duly notified as aforesaid, and not having paid such composition as hereinafter is mentioned, who shall make default in sending such cart, waggon or team, with an able man to drive the same, or in performing the said duty at the time and place to be notified to him in manner aforesaid, shall for every such default, forfeit and pay the sum of ten shillings, and that every person as hereinafter mentioned, liable to such personal labour, having been duly notified, and not paid such composition money as directed by this Act, who shall not appear or send a sufficient man in his stead, with such tool or instrument, at such time and place as by the said notice shall be directed, shall forfeit and pay for every such default, the sum of five shillings; all which forfeitures shall be applied to the use of the Highways of the Townships, reputed Townships or Places respectively, in which such default shall have been made, and the said Overseers shall fairly and equally demand and require such duty and labour from every person liable to perform the same, according to the directions of this Act, without favor or partiality to any person or persons whatever, and every Overseer shall and may, and he is hereby required with all convenient speed, after default made as aforesaid, to proceed to the recovery of the fines and forfeitures hereby inflicted in manner hereinafter directed, so that the same may be recovered before he makes up his accounts in manner directed by this Act.*

XVIII. [*Repealed by 56th George III. c 39, s 1.*]

XIX. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for any person who may be desirous of compounding for any*

Statute

Statute Labour as aforesaid, to pay the composition money allowed by this Act, to the Overseer of the Highways of the division in which such person shall reside, within two months after the appointment of the said Overseer, which payment shall be in full satisfaction of the Statute Labour of such person, for the current year in which the same shall be made, and the Overseer of each and every division, shall apply such composition money to the use of the Highway, within the year of his appointment.

Composition money
to be paid to Overseer.

Application of the
same.

XX. *And be it further enacted by the authority aforesaid,* That when the said Surveyors of the Highways, or any of them, acting within their said Counties, shall be of opinion that a further sum will be wanting, to undertake any particular work of manifest general advantage, on the Public Highways, that he or they may and is and are hereby required to certify the same, by a writing under their hands, to the Justices of the Peace in General Quarter Sessions assembled, within their respective Districts, and may report to them an estimate of the additional sum required to complete such work, and if it shall appear to the majority of the said Justices, then and there assembled, that such proposed work is necessary, and that it is expedient to undertake the same, they may come to a resolution to such effect, and declare they will take the matter into consideration at the next ensuing General Quarter Sessions, advising such resolution in each respective District to which they may belong, and in case it shall be deemed advisable by the greater number of the Justices, at such subsequent Quarter Sessions assembled, upon further consideration, that such resolution should be confirmed, it shall and may be lawful for the said Justices to order and direct such work to be performed, and when performed, to order and direct the Treasurer of the District to pay the amount of the same, (provided it do not exceed fifty pounds,) out of the District Treasury.

Surveyor, when money is wanting for any work of advantage on the public highways, to certify, &c.

Justices in Q'r. Sessions, may order such work to be performed, and money not exceeding £50 to be paid out of the District Treasury for performance of the same.

XXI. *And be it further enacted by the authority aforesaid,* That if any tree shall be cut down after the passing of this Act, or fall out of any inclosed land, into or across any of the Public Highways, that the owner or occupier of such inclosure, shall within the space of twenty four hours after he shall receive notice of its having so fallen, remove the same: and if after such notice thereof is given to such owner or occupier as aforesaid, he shall neglect to remove such tree out of such Road, within the space of twenty four hours, he shall forfeit and pay the sum of ten shillings, for every day such tree shall be unremoved, after receiving such notice as aforesaid.

Trees cut down or falling out of inclosed lands, across the highway, shall be removed by the owner of such lands

Penalty for neglecting to remove.

XXII. *And be it further enacted by the authority aforesaid,* That all fines and forfeitures accruing by virtue of this Act, shall be recovered before any two or more of His Majesty's Justices of the Peace, by confession, or upon the oath of one credible witness, and shall be levied by warrant under the hand and seal of either of the said Justices, by distress and sale of the goods and chattels of the person so offending, (rendering the overplus money, if any there be,) to the owner or owners, after deducting the necessary charges of such distress and sale, and in default of such distress, it shall and may be lawful for any Justice as aforesaid, to commit the person so offending to the common gaol for any time not exceeding one month, unless the

Mode of recovering forfeitures under this Act.

have received from the Justices of the Peace, acting as Commissioners of Highways, relative to the performance of their duty on such Highways, are hereby discharged from any action of trespass now pending, or hereafter to be brought in any of His Majesty's Courts within this Province, for any act or acts that the said Overseers, or any person or persons acting under their direction as aforesaid, may, in the execution of such orders and directions, have committed or done.

Actions founded on things done in pursuance of this Act to be commenced within three months.

Plaintiff to pay treble costs on non-suit or discontinuance.

Soil and Freehold of Roads under the provisions of this Act vested in His Majesty, his heirs and successors.

(See 41st Geo. III. c 10. & 48th c 12.)

XXXIV. *Provided always, and be it further enacted by the authority aforesaid,* That if any action or suit shall be commenced against any person or persons for any thing done or acted in pursuance of this Act, then and in every such case, such action or suit shall be commenced or prosecuted within three Calendar months after the fact committed, and not afterwards, and the defendant or defendants in any such action or suit, shall and may plead the general issue, and give this Act and the special matter in evidence, at the trial to be had thereupon, and that the same was done in pursuance and by the authority of the present Act; and if the same shall appear to have been so done, or if any such action or suit shall be brought after the time limited for bringing the same, then the Jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuit or discontinue his, her, or their action, after the defendant or defendants have appeared, the defendant or defendants shall and may recover treble costs, and have the like remedy for the recovery thereof, as in any other cases by Law.

XXXV. *And be it further enacted by the authority aforesaid,* That when any Highway or Road shall be altered, amended, or laid out, under the provisions of this Act, that the soil and freehold of such Highway or Road, shall be thereby vested in His Majesty, His Heirs and Successors.

C H A P. II.

£2000 granted to be appropriated, &c. &c.

An Act for granting to His Majesty, a certain sum of MONEY out of the FUNDS applicable to the uses of this Province, to defray the expences of amending and repairing the PUBLIC HIGHWAYS and ROADS, laying out and opening NEW ROADS, and building BRIDGES in the several Districts thereof.

[Temporary.]

same fines and forfeitures, as those neglecting to perform their proportion of Statute Labour on the Highways or Roads, as herein after mentioned, and to be recovered in manner aforesaid.

XXIX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, for any two or more Justices of the Peace, within their respective divisions, and they are hereby empowered, from time to time, whenever they shall judge proper, to hold any Special Sessions, besides that which is herein before directed in the month of March, for executing the purposes of this Act, and to adjourn the same, as they shall think fit, causing six days' public notice to be given of the time and place of holding such Special Sessions, and the adjournments thereof.

Special Sessions may be held for the purpose of this Act by two or more Justices.

XXX. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, every person included or inserted in or upon the Assessment Roll of any Township, reputed Township, or Place, shall in proportion to the estimate of his real and personal property, be held liable to work on the Highways or Roads, in each and every year, as follows: that is to say, if his property be not rated at more than twenty-five pounds, then his proportion of labour on the Highways shall be three days; if at more than twenty-five pounds, and not more than fifty pounds, four days; if more than fifty pounds, and not more than one hundred pounds, six days; if at more than one hundred pounds, and not more than two hundred pounds, eight days; if at more than two hundred pounds, and not more than three hundred pounds, ten days; if at more than three hundred pounds, twelve days. *Provided always,* That every person possessed of a waggon, cart, or team of two horses, oxen, or beasts of burthen or draught, used to draw the same, shall be liable to work on the Highways not less than six days, any thing herein contained to the contrary, in any wise notwithstanding.

Persons shall be liable to work on the highways in proportion to the assessment of their real and personal property.

The number of days on which labour is to be performed on the highways ascertained according to such assessment.

XXXI. *And be it enacted by the authority aforesaid,* That if through inadvertence or otherwise, the name of any person or persons having real or personal property, shall not have been inserted on any Assessment Roll, such person or persons shall nevertheless be liable to work on the Highways or Roads, in proportion to the amount of the sum for which he or they ought to have been assessed.

If the name of any person is omitted in the assessment roll through mistake, he shall nevertheless be liable to work.

XXXII. *And be it further enacted by the authority aforesaid,* That when and so often as it may appear to the Justices in Special Sessions assembled, for the purposes of this Act, that the full amount of the Statute Labour will not be wanted in any Town, Township, reputed Township, or Place, within their division, it shall and may be lawful for the Justices to lessen the same, in proportion to the labour required by Law, from each and every inhabitant thereof.

When the whole of the Statute labour not required, Justices may lessen the same.

XXXIII. *And be it further enacted by the authority aforesaid,* That the Overseers of the Highways, and all persons acting, or who shall have acted under their directions, in the execution of such orders as they shall have

Protection of overseers in the discharge of their duty.

Persons forging, &c. Foreign Bills of Exchange, &c. or uttering the same, guilty of Felony—punished by fine or imprisonment, not exceeding two years, &c. corporeal punishment or banishment, or by one or more of the said punishments at the discretion of the Court.

Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That if any person from and after the passing of this Act, shall, within this Province, falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or knowingly aid or assist in the false making, forging, or counterfeiting any Bill of Exchange, or Promissory Note, Undertaking or Order for the payment of Money, purporting to be the Bill of Exchange, Promissory Note, Undertaking or Order for the payment of Money, of any Foreign Prince, State or Country whatsoever, or of any Minister, or Officer intrusted by, or employed in the service of any Foreign Prince, State or Country, or of any Person or Company of Persons resident in any Foreign State or Country, or of any Body Corporate and Politic, or body in the nature of a Body Corporate and Politic, created or constituted by any Foreign Prince or State, with intent to deceive, or to defraud His Majesty, his Heirs and Successors, or any such Foreign Prince, State or Country, or with intent to deceive or defraud any Person or Company of Persons whomsoever, or any Body Corporate or Politic, or body in the nature of a Body Corporate and Politic whatsoever, whether the same be respectively resident carrying on business, constituted or being in any part of this Province, or in any Foreign State or Country, or if any Person from and after the passing of this Act, shall within any part of this Province, tender in payment or in exchange or otherwise, utter or publish as true, any such false, forged, or counterfeited Bill of Exchange, Promissory Note, Undertaking or Order, knowing the same to be false, forged, or counterfeited, with intent to deceive or defraud His Majesty, His Heirs and Successors, or any Foreign Prince, State, or Country, or any Person or Company of Persons, or any Body Corporate and Politic, or in the nature of a Body Corporate and Politic as aforesaid; then every Person so offending, shall be deemed and taken to be guilty of Felony, and being thereof lawfully convicted, shall be punished by fine or imprisonment, not exceeding two years, or by other corporal punishment, not extending to life or loss of member, and also by banishment from this Province, or by one or more of the said punishments, at the discretion of the Court.

No person shall engrave plates for foreign bills of Exchange, &c. nor print them without written authority, or have the same in his custody without lawful excuse

II. *And be it further enacted by the authority aforesaid,* That no Person after the passing of this Act, shall within any part of this Province, engrave, cut, etch, scrape, or by any other means or device, make, or knowingly aid or assist in the engraving, cutting, etching, scraping, or by any other means or device making in or upon any plate whatsoever, any Bill of Exchange or Promissory Note, or Undertaking, or Order for the payment of Money, purporting to be the Bill of Exchange, Promissory Note, or Undertaking, or Order of any Foreign Prince, State or Country, or of any Minister or Officer entrusted by, or employed in the service of any Foreign State or Country, or of any Person or Company of Persons resident,

or being in any Foreign State or Country, or of any Body Corporate and Politic, or in the nature of a Body Corporate and Politic, or constituted by any Foreign Prince or State, or any part of such Bill of Exchange, Promissory Note, Undertaking or Order, without an authority in writing for that purpose, from such Foreign Prince, State or Country, Minister or Officer, Person, Company of Persons, or Body Corporate and Politic, or body in the nature of a Body Corporate and Politic, or from some Person duly authorised to give such authority, or shall in any part of this Province without such authority as aforesaid, by means of any such plate, or by any other device or means, make or print any such Foreign Bill of Exchange, Promissory Note, Undertaking, or Order for the payment of Money, or any part thereof, or knowingly, wilfully, and without lawful excuse (the proof whereof shall lie upon the party accused) have in his or her custody, any such plate or device, or any impression taken from the same, and if any person shall offend in any of the cases aforesaid, he shall be deemed and taken to be guilty of a misdemeanor, and being thereof convicted according to Law, shall be liable for the first offence, to be imprisoned for any time not exceeding six months, or to be fined, or to be publicly or privately whipped, or to suffer one or more of the said punishments; and for the second offence, shall be punished by fine or imprisonment, not exceeding two years, or by other corporeal punishment, not extending to life or loss of member, and also by banishment from the said Province, or by one or more of the said punishments, at the discretion of the Court. *Provided always,* That nothing in this Act contained, shall extend or be construed to extend in any manner whatsoever, to repeal or alter any Law or Statute now in force for the prevention and punishment of the crime of Forgery in any respect whatsoever, within any part of the said Province.

For the first offence punishment of imprisonment not exceeding six months, fine, publicly or privately whipped, or one or more of the said punishments.

For second offence fine, imprisonment, not exceeding 2 years or by other corporeal punishment, banishment, or by one or more of the said punishments at the discretion of the Court.

This Act not to alter the Laws in force against Forgery.

III. *And be it further enacted by the authority aforesaid,* That no person against whom any bill of indictment shall be found at any Assizes, for any offence against this Act, shall be entitled to traverse the same to any subsequent Assizes, but the Court at which such bill of indictment shall be found, shall forthwith proceed to try the person or persons against whom the same shall be found, unless he, she or they shall shew good cause, to be allowed by the Court, why his, her or their trial should be postponed.

Persons indicted, shall not be allowed to traverse to a subsequent Assizes.

IV. *And be it further enacted by the authority aforesaid,* That if any person shall be convicted of any offence against this Act, and shall afterwards be guilty of the like offence in any other District within this Province, the Clerk of the Crown where such former conviction shall have been tried, shall at the request of the prosecutor, or any other on His Majesty's behalf, certify the same by a transcript in few words, containing the effect and tenor of such conviction, for which certificate, two shillings and sixpence and no more, shall be paid; and such certificate being produced in Court, and the hand writing of such Clerk of the Crown thereto being proved, shall be sufficient evidence of such former conviction.

Certificates of former convictions shall be evidence in trial for second offences.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any one Justice of the Peace, on complaint made before him

Houses and other premises of suspected persons may be searched, and counterfeited Bills of Exchange, &c. and tools, &c. seized and carried to a Justice of the Peace to be produced in evidence against the person or persons to be prosecuted for said offences.

him upon the oath of one credible person, that there is just cause to suspect that any one or more person or persons is, or are, or hath, or have been concerned in the making, forging, or counterfeiting such Foreign Bills of Exchange, Promissory Notes, Undertakings or Orders for the payment of Money as aforesaid, or in engraving, cutting, etching, scraping, or by any other means or device making upon any plate whatsoever, any of the said Foreign Bills of Exchange, Promissory Notes, Undertakings, or Orders for the payment of Money as aforesaid, or by means of any such plate, or by any other device or means of making or printing the same, or that the said suspected person or persons hath or have in his, her, or their custody, any such plate or device for the purpose aforesaid, or any impression taken from such plate, or otherwise printed or made, of the said Foreign Bills of Exchange, Promissory Notes, Undertakings or Orders for the payment of Money, by warrant under the hand and seal of the said Justice, to cause the dwelling house, room, workshop, out-house, or other building, yard, garden, or other place belonging to such suspected person or persons, or where any such person or persons shall be suspected to carry on any such making, forging, counterfeiting, engraving, cutting, etching, scraping or printing as aforesaid, to be searched for any such false, forged and counterfeited Foreign Bills of Exchange, Promissory Notes, Undertakings or Orders for the payment of Money, and for the tools, plates, or devices for the making, forging, printing or counterfeiting of the same. And if any such tools, plates, implements or devices shall be found in any place so searched, or in the custody of any person or persons whomsoever, not having the same by some lawful authority, it shall and may be lawful to and for any person or persons whatsoever discovering the same, to seize, and he or they are hereby authorised and required to seize such false, forged and counterfeited Foreign Bills of Exchange, Promissory Notes, Undertakings or Orders for the payment of Money, tools, plates, implements and devices, and to carry the same forthwith before a Justice of the Peace of the District where the same shall be seized, who shall cause the same to be secured, and produced in evidence against any person or persons who shall or may be prosecuted for any of the offences aforesaid, and after the same shall have been so produced in evidence, they shall forthwith by order of the Court where such offender or offenders shall be tried, or by order of some Justice of the Peace, in case there shall be no trial, be defaced or destroyed, or otherwise disposed of, as such Court or such Justice shall direct.

Limitation for matters done under this Act, three months.

General issue.

Treble costs.

VI. *And be it further enacted by the authority aforesaid, That if any action or suit shall be brought or commenced against any person or persons for any thing done in pursuance of this Act, such action or suit shall be commenced within three months next after the matter or thing done, and not afterwards: and the defendant or defendants in such action or suit, may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon: and if afterwards judgment shall be given for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her or their action or suit after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded to him, her or them, against such plaintiff or plaintiffs.*

tiffs, and have the like remedy for the same as any defendant or defendants hath or have in other cases, to recover costs at Law.

C H A P. V.

An Act to declare the Common Gaols in the several Districts of this Province to be
HOUSES of CORRECTION for certain purposes.

[*Passed 12th March, 1810.*]

WHEREAS, it is expedient that until Houses of Correction shall be erected in the several Districts of this Province, that the Common Gaol in each and every of the said Districts shall be held and taken to be for certain purposes, a House of Correction: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That until such Houses of Correction shall be erected as aforesaid, the Common Gaol in each of the said several Districts respectively shall be, and the same is hereby constituted a House of Correction; and that all and every idle and disorderly person, or rogues and vagabonds, and incorrigible rogues, or any other person or persons who may by Law be subject to be committed to a House of Correction, shall be committed to the said Common Gaols in the said Districts respectively, any Law or usage to the contrary in any wise notwithstanding.

Preamble:

Until Houses of Correction shall be erected, the common Gaols in each respective District are constituted Houses of Correction.

C H A P. VI.

An Act for granting to His Majesty a Duty upon BILLIARD TABLES.

[*Passed 12th March, 1810.*]

MOST GRACIOUS SOVEREIGN,

WE Your Majesty's most dutiful and loyal Subjects the Commons of the Province of Upper-Canada in Parliament assembled, for the uses of this Province, have freely and voluntarily resolved to give and grant to Your Majesty, Your Heirs and Successors, a Duty on Billiard Tables; therefore,

Preamble:

therefore, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the twenty-ninth day of September next, there shall be raised, levied, collected, and paid yearly, and every year, unto His Majesty, His Heirs and Successors, to and for the uses of this Province, and towards the support of the Civil Government thereof, of and from all and every person or persons having in his, her, or their possession, custody, or power, any Billiard Table set up for hire or gain, directly or indirectly, whether such person or persons shall use or permit the same to be used or not, the sum of forty pounds.

Every person having a Billiard Table in this Province, set up for hire or gain, shall pay yearly the sum of £40 for keeping of the same.

II. *And be it further enacted by the authority aforesaid*, That after the said twenty-ninth day of September next, it shall not be lawful for any person or persons to have in his, her, or their possession, custody, or power, any Billiard Table set up for hire or gain, directly or indirectly, unless a Licence shall have been obtained for such Billiard Table, as under-mentioned:—Licence to A. B. to keep one Billiard Table, for the space of one year only from the date hereof, he having paid forty pounds, by virtue of an Act of the Provincial Parliament of the Province of Upper Canada, intituled, "An Act for granting to His Majesty a duty upon Billiard Tables," dated this day of

Form of a Licence to be obtained for setting up such Billiard Table.

III. *And be it further enacted by the authority aforesaid*, That every person desirous of obtaining such Licence as aforesaid, shall, on or before the twenty-ninth day of September in this present year, and on or before the twenty-ninth day of September in each and every subsequent year, deliver to the Inspector of the District, where such Billiard Table is set up and kept, a requisition in writing, in the following form:—I do hereby require a Licence to be granted to me for keeping one Billiard Table, in the Town or Township of in the County of and in the District of for which I am ready to pay the sum of forty pounds Provincial Currency; dated the day of And shall pay unto such Inspector, the sum of forty pounds, on receipt of which, the said Inspector shall deliver to the said person such Licence; and if any person or persons after the twenty-ninth day of September next, shall have in his, her, or their possession, custody, or power, any Billiard Table set up for hire or gain, directly or indirectly, without first having obtained such Licence, such person or persons shall forfeit and pay the sum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, in His Majesty's Court of King's Bench in this Province.

Form of a requisition to be obtained for the obtaining of a Licence for setting up such Billiard Table.

IV. *And be it further enacted by the authority aforesaid*, That all such Licences to be granted for the purposes aforesaid, after the said twenty-ninth day

The date and expiration of such Licences.

day of September next, shall be dated on the twenty-ninth day of September, in the year in which they are to be issued, and shall expire on the twenty-eighth day of September next ensuing the date thereof; and that it shall and may be lawful for the said Inspector, and he is hereby authorized to receive from every person requiring such Licence, the sum of five shillings for receiving such application for a Licence, and also the sum of five shillings and no more, as his fee for issuing the same.

Fee to the said Inspector for issuing of the same.

V. *And be it further enacted by the authority aforesaid,* That all monies which shall be received by the said Inspector of each District, under and by virtue of this Act, except what he shall be entitled to receive for his own benefit under the authority of the same, shall be paid by the said Inspector into the hands of the Receiver General of this Province, on or before the thirty-first day of December in each and every year, to and for the uses aforesaid, and that one moiety of all fines, forfeitures, and penalties that shall be incurred under this Act, shall be immediately paid into the hands of the Receiver General, for the use of His Majesty, His Heirs and Successors, towards the support of the Civil Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall please to direct, and the other moiety to the person who shall sue for the same.

Time when the monies received for the said Licences, shall be paid by the Inspector to the Receiver General.

One half of the fines and forfeitures incurred by this Act, shall be paid to the Receiver General for the uses of the Province, and accounted for to His Majesty through the Lords of the Treasury, the other half shall be paid to the person who shall sue for the same.

C H A P. VII.

An Act for applying a certain sum of MONEY therein mentioned, to make good certain MONIES issued and advanced by His Majesty, through the Lieutenant Governor, in pursuance of several Addresses of this House.

(806:16:93-4 granted for the purposes therein mentioned.)

C H A P. VIII.

An Act to amend an Act passed in the forty-fourth year of His Majesty's Reign, intituled, "*An Act for granting to His Majesty a certain sum of MONEY for the further encouragement of the GROWTH and CULTIVATION of HEMP within this Province, and the EXPORTATION thereof.*"

(See 44 Geo. III c. 19 and 53 Geo. III. c. 7 which repeals 44 Geo. III. c. 11.)

C H A P. IX.

(See 44 Geo. III. c. 2.) An Act to repeal an Act passed in the forty-fourth year of His Majesty's Reign, intituled, "*An Act to repeal certain parts of an Act passed in the thirty-fourth year of His Majesty's Reign, intituled, 'An Act to Establish a SUPERIOR COURT of CIVIL and CRIMINAL JURISDICTION, and to Regulate the COURT of APPEAL, and to authorize His Majesty's COURT of KING'S BENCH in this Province, to regulate certain FEES, COSTS, and CHARGES therein mentioned.'*"

[Repeals 44th Geo. III. c. 3.]

C H A P. X.

37 Geo. III. c. 7. An Act further to extend the benefit of an Act passed in the thirty-seventh year of His Majesty's Reign, intituled, "*An Act for the more easy BARRING of DOWER.*"

[Passed 12th March, 1810.]

Preamble.

Dower may be barred before Judge of the District Court or the Chairman of the Quarter Sessions, in like manner as before the Chief Justice or any of the Justices of the Court of King's Bench, or before the Court of Quarter Sessions.

WHEREAS, by an Act passed in the thirty-seventh year of His Majesty's Reign, intituled, "*An Act for the more easy Barring of Dower,*" it is enacted that no Release of Dower by any Deed executed in manner therein mentioned, of any Land, Tenements or Hereditaments, shall have any force or effect to Barr the person so entitled to Dower and executing the same, unless such person shall come before His Majesty's Chief Justice of this Province, or one of the Justices of the Court of King's Bench, or shall appear at some General Quarter Sessions of the Peace for the District in which she shall reside, and shall have been examined by the said Chief Justice, or Justice, or by the Chairman or presiding Magistrate of such Quarter Sessions, touching her consent to be Barred of Dower; and whereas much inconvenience has arisen to His Majesty's Subjects thereby: Be it therefore enacted by the King Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for any person entitled to Dower, to appear before the Judge of the District Court, or the Chairman of the Quarter Sessions of the District in which the party resides, and being privately examined by the said Judge or Chairman, touching her consent to be Barred of Dower; it shall and may

may be lawful for the said Judge or Chairman to certify the same in like manner as the same may at present be certified by the Chief Justice or any Justice of the Court of King's Bench, and the said certificate shall have the same force and effect, and be as valid in Law as if the person had been examined by the Chief Justice, or Justice, or Court of Quarter Sessions, any Law or Usage to the contrary in any wise notwithstanding.

II. *And be it further enacted by the authority aforesaid, That the Judge of the District Court, or Chairman aforesaid, or their Clerk respectively, shall be entitled to receive the sum of five shillings for such certificate, and no more.*

Fee to be paid for obtaining such certificate.
(See 37 Geo. III. c. 7.)

C H A P. XI.

An Act for the Relief of MINORS of the Societies of MENONISTS and TUNKERS.

[*Passed March 12th, 1810.*]

WHEREAS, the Sons of Menonists and Tunkers who are Minors, cannot avail themselves of the indulgence intended to be granted them by the twenty-seventh clause of an Act passed in the forty-eighth year of His present Majesty, intituled, "An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in being for the raising and training the Militia of this Province," by reason of not being able to obtain the certificate required by the above mentioned Act, until they shall have attained the age of twenty-one years, according to the rules and regulations of the said Societies, for remedy whereof; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the Sons of Menonists and Tunkers liable to serve in the Militia, under the age of twenty-one years, shall instead of the certificate required by the above mentioned Act, produce a certificate, stating his name, that his Father is a Menonist or Tunker (as the case may be) and that such Minor is brought up and educated in the principles of the Menonists or Tunkers (as the case may be) which certificate shall be signed by the Clerk of the meeting of such Society, or by any three or more of the people called Menonists or Tunkers, such Minor shall then be entitled to all the benefits and indulgencies in the said clause mentioned; subject nevertheless to all other restrictions and provisions of the said clause.

Preamble.

(48 Geo. III. c. 1 s. 27.)

Certificate to be produced by the sons of Menonists and Tunkers under the age of 21 years, to entitle them to the indulgence granted to them from serving in the Militia by the 48th of George 3d, ch. 1, Sect. 27, in place of the Certificate required by the Statute.

(49 Geo. III. c. 6.)

C H A P.

C H A P. XII.

An Act to authorize the INHABITANTS of the COUNTY of HALDIMAND, to hold annual MEETINGS for the purpose of ELECTING TOWN and PARISH OFFICERS.

[Passed 12th March, 1810.]

Preamble.

WHEREAS, that part of the County of Haldimand comprised within the District of Niagara, contains a large number of white inhabitants, and is not divided into Townships, whereby the said inhabitants are unable to elect Parish and Town Officers, for remedy whereof, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further Provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for any Justice of the Peace, acting within the said District, to issue his warrant, giving eight days previous notice, to any Constable or Constables within the said County, authorizing him or them, on the first Monday in April in this present year, and on the first Monday in *March* (a) in every succeeding year, to assemble the white inhabitant householders of the said County, residing between Dundas Street and the Onondaga Village, (commonly called Bears Foot) including said Village, in one division; and the inhabitants as aforesaid, residing between said Village and the mouth of the Grand River, within said County, in the other division, in some convenient place, for the purpose of electing Town and Parish Officers.

Justice of the Peace of the District of Niagara to issue his warrant authorizing any Constable of the County of Haldimand to assemble certain inhabitants thereof for the purpose of electing Town and Parish Officers.

(See 57 Geo. III. c. 6 s. 2.)

Such inhabitants so assembled, may appoint Town and Parish Officers.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said inhabitants, so assembled, to nominate and appoint proper persons to serve as Town and Parish Officers, and to do and perform the several duties directed and required by Law to be done by the inhabitants of the respective Townships in this Province, at their Town Meetings.

Such Officers to be subject to all the duties, &c. as any other Parish and Town Officers.

III. *And be it further enacted by the authority aforesaid,* That the several Officers, so appointed within the limits of the said divisions respectively, be subject to all the duties, and be liable to all the penalties, that all or any Parish and Town Officers are by Law now subject and liable to perform in this Province.

The said inhabitants to be subject to the provisions of Stat. 46 Geo. 3d, ch. 6.

IV. *And be it further enacted by the authority aforesaid,* That the said Inhabitants of the said divisions respectively, shall be and they are hereby declared to be, subject to all the provisions of an Act passed in the forty-sixth year of His Majesty's Reign, intituled, "An Act to alter and amend

an Act passed in the thirty-third year of His present Majesty's Reign, intituled, 'An Act to provide for the nomination and appointment of Parish and Town Officers;' and also to repeal certain parts of an Act passed in the thirty-third year of His present Majesty's Reign, intituled, "An Act to authorise and direct the laying and collecting the Assessments and Rates in each and every District in this Province, and for the payment of Wages to the Members of the House of Assembly.

(See 33d Geo. III. c. 2.)

C H A P. XIII.

An Act for granting an additional sum of MONEY for erecting a BRIDGE across the GRAND RIVER.

(See 49th Geo. III. c. 7.)

STATUTES OF *UPPER-CANADA,*

PASSED IN THE *THIRD* SESSION OF THE *FIFTH* PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE THIRTEENTH
DAY OF MARCH FOLLOWING, IN THE FIFTY-FIRST YEAR
OF THE REIGN OF GEORGE III.

FRANCIS GORE, ESQUIRE, LIEUTENANT GOVERNOR.

ANNO DOMINI 1811.

C H A P. I.

*£2450 Granted, to be
appropriated, &c.*

An Act for granting to His Majesty a certain sum of MONEY, out of the FUNDS applicable to the use of this Province, to defray the expences of amending and opening the PUBLIC HIGHWAYS and ROADS, and building of BRIDGES in the several Districts thereof.

[*Temporary.*]

C H A P. II.

47 Geo. III. c. 9.

An Act to repeal an Act passed in the forty-seventh year of His Majesty's Reign, intituled,
" *An Act for granting to His Majesty, DUTIES on LICENCES to HAWKERS, PEDLARS,
and PETTY CHAPMEN, and other TRADING PERSONS therein mentioned,*" and further,
for granting to His Majesty DUTIES on LICENCES to HAWKERS, PEDLARS, and PET-
TY CHAPMEN, and other TRADING PERSONS therein mentioned.

[*Expired.*]

C H A P. III.

An Act to extend PERSONAL ARREST to the sum of FORTY SHILLINGS, and otherwise to regulate the Practice in cases of Personal Arrest.

[Passed 13th March, 1811.]

WHEREAS, doubts have arisen, whether by the Laws now in force in this Province, any person can be arrested for any sum of money under Ten Pounds Sterling. And whereas the inhabitants of this Province have suffered, and still continue to suffer much injury from persons leaving this Province without paying their debts; for remedy thereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for every person or persons who now, or hereafter shall have any debt or debts owing to him, her or them, exceeding the sum of Forty Shillings Provincial Currency, by any person or persons whatsoever inhabiting this Province, to sue out a Writ of Capias ad Respondendum, and cause the person of the said Debtor or Debtors to be arrested in the same manner and under the same conditions, restrictions and limitations, as by the Laws now in force in this Province, any person or persons may now be arrested for any sum above Ten Pounds Sterling.

Preamble.

Arrest for debts above 40s. in like manner as heretofore for debts above 10s.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, in all cases as well above as under Ten Pounds Sterling, no Capias ad Respondendum, nor Justice's Warrant of Detention shall issue, unless the affidavit to be made by the Plaintiff, his servant or agent, shall state that the deponent verily believes that the Defendant is about to leave the Province with an intent to defraud his Creditors.

The affidavit requisite before any Capias or Justice's Warrant of detention shall issue.

III. And be it enacted by the authority aforesaid, That on such affidavit being made before any one of His Majesty's Justices of the Peace, by any Plaintiff, his servant or agent, before action brought, it shall and may be lawful for such Justice to issue his Warrant, and cause the said Defendant to be arrested, and detained until he can be served with the proper process, in like manner as is by Law provided in cases where any action shall have been previously commenced.

On such affidavit being made, Justice may before action brought, issue his said Warrant in like manner as after action commenced.

IV. And be it enacted by the authority aforesaid, That where the sum sworn to, shall not exceed the sum of Ten Pounds Sterling, it shall and may be lawful

How defendant shall be discharged from imprisonment, if the debt sworn to does not exceed 10l. Sterling.

lawful for the Defendant at the expiration of one month after having been committed to prison, to make oath before a Commissioner for taking Affidavits in the Court of King's Bench, (having given four days previous notice to the Plaintiff, his attorney, or agent, of his intention to make such oath,) that he is not worth the sum for which he hath been arrested, and that he hath not directly or indirectly, sold or otherwise disposed of any money, goods, debts, or other personal estate, to defraud any of his creditors; and he the said Defendant, shall thereupon, be discharged from such imprisonment: *Provided nevertheless*, That such discharge, shall not operate as a discharge from the Debt.

(See 45 Geo. III. c 7.)

The affidavit requisite before a Writ of Capias ad Satisfaciendum shall issue.

V. *And be it further enacted by the authority aforesaid*, That no Writ of Capias ad Satisfaciendum shall issue in any action now pending, or hereafter to be brought, unless an affidavit be first made and filed by the Plaintiff, his servant or agent, that the Deponent verily believes that the Defendant is about to leave the Province with an intent to defraud his Creditors, or that he hath reason to believe that the Defendant hath secreted or removed his effects, or hath made some secret and fraudulent conveyance thereof, in order to prevent the same from being taken in Execution, any Law or usage to the contrary in any wise notwithstanding.

(See 34th Geo. III. c 2.)

C H A P. IV.

An Act for applying a certain sum of MONEY therein mentioned, to make good certain MONIES issued and advanced by His Majesty, through the Lieutenant Governor, in pursuance of an Address of this House.

C H A P. V.

(49th Geo. III. c 1.)

An Act to amend and continue for a limited time, an Act passed in the forty-ninth year of His Majesty's Reign, intituled, "*An Act for continuing for a limited time the PROVISIONAL AGREEMENT entered into between this Province and Lower Canada at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to DUTIES, also for continuing for a limited time the several Acts of the Parliament of this Province, now in force relating thereto.*"

[Expired.]

(See 66 Geo. III. c. 13.)

C H A P. VI.

An Act to amend the PROCESS of the DISTRICT COURTS, and also further to regulate the PROCEEDINGS of SHERIFFS in the Sale of GOODS and CHATTELS taken by them in Execution.

[Passed 13th March, 1811.]

WHEREAS it is expedient that certain amendments should be made in the process of Summons issuing from the respective District Courts of this Province, and also that certain Regulations should take place, respecting the proceedings of the Sheriffs in the sale of Goods and Chattels taken by them in Execution: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first day of June, in the year of our Lord one thousand eight hundred and eleven, the course and proceedings in the respective District Courts in this Province, shall be by Summons issuing in the King's name, directed to the Sheriff of the District where the Court shall be held, and Tested in the name of the first Judge of the said Court, which may be in the following form:—

Preamble.

Process to be issued from the District Court.

Form of the Writ of Summons.

District } GEORGE the THIRD by the Grace of God, of the United
To wit. } Kingdom of Great Britain and Ireland King, Defender of
the Faith.

To the Sheriff of the District, GREETING:—

WE command you that you summons A. B. to appear either in person or by his Attorney, at our District Court, to be holden at on the day of to answer the complaint of C. D. in a plea of contract, whereby the said A. B. hath promised to pay to the said C. D. the sum of for (the consideration) and which the said A. B. doth refuse to pay him, as he says.

II. *And be it further enacted by the authority aforesaid,* That when and so often as Goods and Chattels are seized by the Sheriff, his Deputy Officer or Officers, under and by virtue of Execution, issued out of the Court of King's Bench, or District Courts, the said Sheriff, his Deputy Officer or Officers, shall, on request, deliver to the person or persons to whom the said Goods and Chattels did belong, his, her, or their Agents or Servants, an Inventory of the said Goods and Chattels, before they shall be removed from the premises on which they were so seized as aforesaid.

An Inventory of the goods seized in Execution to be given by the Sheriff, &c. before they be removed.

(See 43rd Geo. III. c. 1. & 49th c. 4. & 5.)

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, it shall not be lawful for any Sheriff or his Deputy,

Sheriff, &c. shall not purchase any goods sold in execution.

(See 34 Geo. III. c. 3.—
37 c. 11 & 38 c. 3.)

Deputy, or any Bailiff or Constable, directly or indirectly, to purchase any Goods or Chattels exposed by him to sale, under and by virtue of any Execution from the said Court of King's Bench, or District Court in this Province respectively.

C H A P. VII.

(48 Geo. III. c. 1.)

An Act to amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "*An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in being, for the raising and training the MILITIA of this PROVINCE.*"

[Passed 13th March, 1811.]

27th section of the
48th of Geo. 3d. in part
recited.

WHEREAS, by the twenty-seventh Section of an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act to explain, amend, and reduce to one Act of Parliament the several Laws now in being, for the raising and training the Militia of this Province," it is enacted, that the people called Quakers, Menonists, and Tunkers, who, from certain scruples of conscience, decline bearing arms, shall not be compelled to serve in the Militia, but every person professing that he is one of the people called Quakers, Menonists, or Tunkers, and producing a certificate of his being a Quaker, Menonist, or Tunker, signed by the Clerk of the Meeting of such Society, or by any three or more of the people called Quakers, Menonists, or Tunkers, shall be excused and exempted from serving in the said Militia, *Provided nevertheless*, That every such person or persons that shall or may be of the people called Quakers, Menonists, or Tunkers, from the age of sixteen to sixty, shall, on or before the first day of December, in each and every year, give in his name and place of residence, to the Treasurer of the District where he or they shall reside, and pay to such Treasurer, to and for the public uses of such District, in time of Peace, the sum of twenty shillings, and in time of Invasion or Insurrection, or when any part of the Militia of that District shall be called out on Actual Service, the sum of five pounds, and in default of such payment, it shall and may be lawful, on information or complaint on oath, made by the said Treasurer before any Justice of the Peace of such District, for the said Justice to issue his Warrant under his hand and seal, to levy the same by distress and sale of the offender's goods and chattels, returning so much of the said distress as shall exceed the sum of twenty shillings per annum, in time of Peace, and five pounds per annum, in time of actual Invasion or Insurrection, or when any part of the Militia of that District shall be called out on Actual Service, deducting therefrom the charges and all other incidental expenses of such distress and sale. And whereas, the people called Quakers, cannot avail themselves of the indulgence intended to be granted them, as by their said scruples of conscience, they cannot pay any commutation or composition, to be exempt from bearing arms, nor in case of distress and sale of their goods and chattels,

Preamble

chattels, in consequence of non-payment of fines and forfeitures incurred under and by virtue of the said Act, can they receive the surplus, (if any,) after such distress and sale : Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That when and so often as the goods and chattels of any Quaker taken by distress and sale, for or on account of any exemption money, fine, forfeiture, or penalty, under or by virtue of the said Act, shall exceed the amount thereof, the overplus, after deducting the amount of such distress, together with the costs and charges of sale, shall be paid by the Constable or other person making such distress and sale, to the Treasurer of the District in which such Quaker shall reside, which overplus shall be and remain, and be accounted for as so much for future exemption money, for the person whose goods and chattels have been so distrained as aforesaid, and if any Constable or other person, making such distress and sale, as aforesaid, and refusing or neglecting, within one month after such sale, to pay such overplus as herein before directed, shall forfeit and pay the sum of twenty-five pounds, over and above the said overplus, upon confession or conviction by the oath of one credible witness, before any two of His Majesty's Justices of the Peace, for the District wherein such distress and sale were made, and in default of payment, it shall and may be lawful for such Justices, by Warrant under their hands and seals, to cause the same to be levied by distress and sale of the goods and chattels of the offender, and if no such distress can be found, to commit the offender by Warrant, as aforesaid, to the Common Gaol of the District, until the same shall be paid, or for a space of time not exceeding six Calendar Months. *Provided always*, That no sale of any effects, so taken, shall be made until public notice is given thereof, at least eight days previous thereto, at the most public place in the Town or Township where such effects may have been taken in execution, and of the time and place when such effects are to be exposed to sale.

II. *And be it further enacted by the authority aforesaid*, That so much of the said Act passed in the forty-eighth year of His Majesty's Reign, as relates to the returning to any Quaker, such sum or sums of money levied by distress and sale, under and by virtue of that Act, as shall exceed the exemption money required by the said Act to be paid by him for not serving in the said Militia, with the costs and expences incident to the making such distress and sale, shall be and the same is hereby repealed, *Provided nevertheless*, That if the sum or sums of money, so levied by distress, shall exceed the said exemption money, but shall not be equal to the exemption money to be paid by the said Quaker, for the year succeeding that for which such distress and sale were made, that then and in such case the residue

If the levy by distress and sale shall exceed the exemption money of any Quaker, the overplus shall remain as future exemption money, and shall be paid to the Treasurer of the District, &c.

Penalty for not so paying the said overplus.

Mode of recovering the said penalty.

No sale without eight days previous notice.

Repeal of such part of the 48th Geo 3d, as relates to the returning of the overplus of the exemption money to Quakers.

If the overplus of the exemption money shall not be equal to the exemption money of the succeeding year, the residue to be paid shall be levied by distress, &c.

sidue of the exemption money so to be paid for that succeeding year, if not paid when due; shall be levied by distress and sale of the goods and chattels of the offender.

Regulations in taking distress under this Act.

III. *And be it further enacted by the authority aforesaid,* That it shall be the duty of every Constable or other person levying or taking any distress of the goods and chattels of any Quaker under and by virtue of this Act, to take as near the value as may be sufficient to satisfy the Warrant for levying such distress, with the costs and expences incident to the sale thereof, and shall stop and discontinue the sale when a sufficiency is sold to satisfy the amount of such Warrant and costs as aforesaid, and shall return the residue of the goods and chattels so taken and remaining unsold, if any, to the person from whom they were taken, or in default thereof, shall forfeit and pay a sum double the amount of such distress and sale, to be recovered as before mentioned.

Penalty for transgressing the same.

Fines and forfeitures to whom paid, and how applied and recovered.

IV. *And be it further enacted by the authority aforesaid,* That all fines, forfeitures and penalties, incurred under and by virtue of this Act, shall be paid into the hands of the Treasurer of the District, in which they may be incurred, to and for the uses of such District, and every such Treasurer upon information thereof, is hereby authorised and required to prosecute for and receive the same.

Justices to direct the Summons, &c. to a Constable in the Township, or if none, to a Constable living nearest the person to be so summoned.

V. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all Justices of the Peace issuing or granting any Summons or Warrant, under and by virtue of this Act, or of the said Act of the forty-eighth year of His Majesty's Reign, and they are hereby required to direct every such Summons or Warrant, as aforesaid, to the Constable living in the Township where the person or persons so to be summoned, or against whose goods and chattels such Warrant shall be issued or granted, may reside; or in case of no Constable living in such Township, then and in that case, such Summons or Warrant shall be directed to the Constable living nearest to the residence of the person or persons so to be summoned, or against whose goods and chattels such Warrant shall be issued or granted, and every Constable shall, in computing his costs upon every such service, charge his milage from the place where he received such Summons or Warrant, and no more.

(See 56th Geo. III. c 31.)

C H A P. VIII.

An Act to repeal an Act passed in the forty-seventh year of His Majesty's Reign, intituled, "*An Act to repeal the several Acts now in force in this Province, relative to RATES and ASSESSMENTS, and also to particularize the PROPERTY REAL and PERSONAL, which during the continuance thereof, shall be subject to Rates and Assessments, and fixing the several valuations at which each and every particular of such property shall be Rated and Assessed,*" and to make further provision for the same.

[Passed March 13th, 1811.]

WHEREAS, the present mode of laying Assessments has been found inconvenient; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That from and after the first Monday in the month of March, one thousand eight hundred and twelve, an Act passed in the forty-seventh year of His present Majesty, by which Rates have been imposed, intituled, "*An Act to repeal the several Acts now in force in this Province, relative to Rates and Assessments, and also to particularize the Property Real and Personal, which, during the continuance thereof, shall be subject to Rates and Assessments, and fixing the several valuations at which each and every particular of such property shall be Rated and Assessed,*" shall be, and the same is hereby repealed.

Preamble.

Act 47th Geo. III. c. 7, repealed.

II. *And be it further enacted by the authority aforesaid,* That the following property, Real and Personal, shall after the said first Monday in March, one thousand eight hundred and twelve, and for every subsequent year during the continuance of this Act, be deemed ratable property throughout this Province, and shall be rated at the rate and valuation herein after set forth, (that is to say,) every acre of arable, pasture, or meadow land, twenty shillings; every acre of uncultivated land, four shillings; every town lot situate in the towns herein after mentioned, *Queenston, Niagara,* (a) *York, and Kingston,* twenty pounds; *Cornwall, Sandwich, and Johnstown,* ten pounds; every house built with timber squared or hewed on two sides, of one story in heighth and not two stories, with not more than two fire-places, twenty pounds; for every additional fire-place, four pounds; every dwelling house built of squared or flatted timber on two sides, of two stories in heighth, with not more than two fire-places, thirty pounds, and for every additional fire-place, eight pounds; every framed house, under two stories in heighth, with not more than two fire-places, thirty-five pounds, and every additional fire-place, five pounds; every brick or stone house of one story in heighth, and not more than two fire-places, forty pounds, and for every additional fire-place, ten pounds; every framed brick, or stone house,

Property that is ratable.

(a) See 55th Geo. III. c. 5, s. 2 & 3.

(a) See 55th Geo. III.
c 5, s 2 & 3.

Proviso as to rate af-
ter the assessment bill
is made up in any
Township.

Exception as to any
property belonging to
His Majesty, unless the
property consists of
leased Crown & Clergy
Reserves.

Assessors to demand
lists of the rateable pro-
perty, which they shall
return to the Clerks of
the Peace, to be laid
before the Quarter Ses-
sions.

(See 55th Geo. III c
5, s 6.)

Lands that shall be
considered as rateable
property.

Compensation to the
Assessors.

of two stories in heighth, and not more than two fire-places, sixty pounds, every additional fire-place, ten pounds; every grist-mill (wrought by water) with one pair of stones, one hundred and fifty pounds, *every additional pair, fifty pounds (a)*; every saw-mill, one hundred pounds; every merchant's shop, two hundred pounds; every store-house owned or occupied for the receiving and forwarding of goods, wares, or merchandize, for hire or gain, two hundred pounds; every stone horse, kept for the purpose of covering mares, for hire or gain, one hundred and ninety-nine pounds. *Provided also*, That if any person shall bring into any Township in this Province, any horse, as aforesaid, after the Assessment Bill shall have been made up for such Township, it shall and may be lawful for the Collector of any such Township, and he is hereby required, to demand and receive of any such person the Rate for such horse, as aforesaid, unless the owner can satisfy such Collector, that the Rate for such horse has been returned or paid for that year, and in case of refusal of payment, to proceed to the recovery of such Rate by distress and sale of such horse, as aforesaid. Every horse of the age of three years and upwards, eight pounds; oxen of the age of four years and upwards, per head, four pounds; milch cows, per head, three pounds; horned cattle from the age of two years to four years, per head, one pound. *Provided always*, That every stove erected and used in a room where there shall be no fire-place, be deemed and considered as a fire place. *Provided also*, That nothing herein contained, shall extend or be taken or construed to extend to any property, goods, or effects, matters or things, herein mentioned or enumerated, which shall belong to, or be in the actual possession or occupation of His Majesty, His Heirs or Successors, except the lands and tenements in the possession of the lessees of the Crown and Clergy Reserves, which shall be liable to the same Rates and Assessments as other lands herein before mentioned.

III. }
IV. } [Repealed by 55th George III. c 5, s 4.]

IV. *And be it further enacted by the authority aforesaid*, That all lands shall be considered as rateable property, which are holden in fee simple, by Land Board Certificates, Order of Council, or Certificate of any Governor in Canada.

V. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for such Assessors yearly and every year, during the continuance of this Act, to demand and receive of and from the Treasurer of the District, a sum of money not exceeding four pounds for every hundred pounds contributed and raised in and by their respective Townships, reputed Townships, or Places, for the year they shall serve that office; and so in proportion, for any greater or less sum or sums; and the Treasurer of each and every District, is hereby authorized and required to pay such Assessor, as aforesaid.

VI. *And be it further enacted by the authority aforesaid,* That the several Courts of Quarter Sessions are hereby authorized, impowered, and required, after having ascertained the sum of money required to be raised for defraying the public expences of the District, to divide and apportion the same upon each and every person in the said Rate Rolls named, and liable to pay Rates, as aforesaid, so that every person shall be assessed in just proportion to the list of his, her, or their Rateable Property, real and personal, according to the Rates herein before specified, and having ascertained the quota, dividend, or sum of money, for which each and every person shall be so assessed for the current year, they shall direct the Clerk of the Peace to transmit forthwith a certified copy of such Assessment Roll, so rated and ascertained as aforesaid, to each and every Collector within the District, and the said Clerk of the Peace shall be entitled to ask, and the Treasurer is hereby required to pay to him the sum of twenty shillings, lawful money, on each Assessment Roll, so by the said Clerk apportioned and transmitted, as aforesaid, and such copy, certified by the Clerk of the Peace, as aforesaid, shall be to each and every Collector sufficient authority for collecting the proportions or dividends within their respective Townships, reputed Townships, or Places. *Provided always,* That the sum levied shall, in no one year exceed one penny in the pound, in the sum herein specified, on the the valuation at which each species of the property before mentioned shall be rated and assessed.

Apportionment of Rates by the Quarter Sessions.

Clerks of the Peace to transmit certified copies of the Assessment Rolls to the Collectors.

Sum to be levied, not to exceed one penny in the pound
(See 55th Geo. III. c 6, s 6.)

VII. *And be it further enacted by the authority aforesaid,* That no new Assessments shall be made until it shall appear to the Justices at their respective General Quarter Sessions, or the greater part of them, then and there assembled, by the accounts of their Treasurer, or otherwise, that one half of the money collected by virtue of the preceding Rate, together with the whole of the monies collected under and by virtue of any Act or Acts now, or hereafter in force in this Province, shall have been expended for the public uses of the District.

When new Assessments shall not be made.

VIII. *And be it further enacted by the authority aforesaid,* That if any inhabitant shall refuse or neglect to pay the sum or Rate for which he or she stands rated, in manner aforesaid, for the space of fourteen days after demand, duly made of the same by the said Collector, the said Collector shall, and is hereby required to levy the same by distress and sale of the goods and chattels of the person so neglecting or refusing to pay, after having obtained a warrant for that purpose from some one of His Majesty's Justices of the Peace, and to render the overplus, (if any there shall be,) to the owner thereof, after deducting the amount of the Rates assessed, and the legal charges of the distress and sale.

The Rates how to be recovered.

IX. *And be it further enacted by the authority aforesaid,* That the following fees, and no more, shall be taken: for every warrant of distress, one shilling; for every mile in travelling to execute the warrant of distress, four pence; and for every selling and making returns, two shillings.

The Fees to be taken for the recovering of the same.

X. *And be it further enacted by the authority aforesaid,* That if any person to be appointed a Parish or Town Officer, under the authority of an Act passed in the thirty-third year of the Reign of His present Majesty, intituled, "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," or under the authority of an Act passed in the forty-sixth year of the Reign of His said Majesty, intituled, "An Act to alter and amend an Act passed in the thirty-third year of His present Majesty's Reign, intituled, 'An Act to provide for the nomination and appointment of Parish and Town Officers, and also to repeal certain parts of an Act passed in the thirty-third year of His present Majesty's Reign, intituled, 'An Act to authorise and direct the laying and collecting of Assessments and Rates in every District in this Province, and to provide for the payment of Wages to the Members of the House of Assembly," shall neglect or refuse to perform the duty imposed upon them and each of them, by the provision herein contained, in manner and form as is herein specified and declared; or if any person or persons, liable to pay any of the Rates by this Act imposed, shall neglect or refuse to deliver in a true list of his or her rateable property, real and personal, to the Assessors, in manner and form herein before specified, or shall wilfully mistake such rateable property, every such person or persons shall forfeit and pay a sum of money not less than two pounds, nor more than five pounds, for the first neglect or refusal, and ten pounds for the second, to be levied by distress and sale of the offender's goods and chattels; and upon complaint of such neglect, the Justices of the Peace in Quarter Sessions assembled, shall hear and determine the same; and upon sufficient proof being made of such wilful neglect, refusal, or misstatement, they shall issue such warrant, as aforesaid, (unless such fine shall be immediately satisfied,) and such sum of money when collected, shall be paid into the hands of His Majesty's Receiver General, to and for the uses of His Majesty, His Heirs and Successors, and towards the support of the Government of this Province, to be accounted for to His Majesty, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

Penalties for any Parish or Town Officer refusing or neglecting to perform the duties of his office, and also for any person refusing to deliver a list of his rateable property to the Assessors, or shall mistake such property wilfully.

Mode of recovering such penalties.

Clerks of the Peace to transmit an account of the Assessments to the Governor, &c.

XI. *And be it further enacted by the authority aforesaid,* That the Clerk of the Peace in each and every District in this Province, shall, and is hereby required to transmit before the end of the month of November, in each and every year, to the Governor, Lieutenant Governor, or Person administering the Government, an aggregate account of the said Assessment, in order that the same may be laid before the Legislative Council and House of Assembly, which shall contain a true and full statement of every species of property in respect of which such Assessment was made, *and the Clerks of the Peace respectively, are hereby authorised to demand, and the Treasurer of each District is hereby respectively required to pay each of the said Clerks of the Peace for their trouble in making up such aggregate account, the sum of twenty shillings. (a)*

(a) See 66th Geo. III. c. 5, s. 2.

Compensation to the Collectors.

XII. *And be it further enacted by the authority aforesaid,* That the Collector may deduct at the rate of five pounds for every hundred pounds, and

no more, as a full compensation for his service in collecting, any Law to the contrary notwithstanding, and the Treasurer shall give a Receipt for all money paid to him by any Collector.

XIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Justices at their respective General Quarter Sessions assembled, or the greater part of them, then and there assembled, to nominate and appoint a proper person, being resident within the District, to be Treasurer of said District, which Treasurer shall give sufficient security in such sum as shall be approved of by the said Justices at their respective General Quarter Sessions, then and there assembled, to be accountable for the several sums of money which shall be respectively paid to him in pursuance of this Act, and to pay such sum or sums of money as shall be ordered to be paid by the Justices in their General Quarter Sessions, and also for the true and faithful execution of the trust reposed in him, and all and every such sum or sums of money as shall be paid into his hands by virtue of, and in pursuance of this Act, shall be deemed and taken to be the Public Stock of the District, and the said Treasurer shall and is hereby required to pay so much of the money in his hands to such person or persons as the said Justices at their respective General Quarter Sessions, or the greater part of them, then and there assembled, shall, by their order, direct and appoint, for the purposes therein recited, and for any other uses and purposes to which the Public Stock of said District is or shall be applicable by Law, reserving at all and every time or times, to and for his own use, as a reward for his labour and expence, the sum of three pounds for every hundred pounds that shall or may be paid into his hands by the said Collectors for the purposes aforesaid.

Treasurer to be appointed by the Justices at their Quarter Sessions, who shall be accountable for the monies received, and pay the monies ordered.

Compensation to the Treasurer.

XIV. *And be it further enacted by the authority aforesaid,* That the said Treasurer shall and is hereby required to keep Books of Entries of the several sums respectively received and paid by him, in pursuance of this or any other Act, now or hereafter in force in this Province; and also to deliver in a true and exact account upon oath, which oath any one of the Justices, at their respective General Quarter Sessions, is hereby authorized to administer, of all and every sum or sums of money respectively received and paid by him, distinguishing the particular uses to which such sum or sums of money have been applied, to the Justices at every General Quarter Sessions, to be holden for the District, and shall lay before the Justices of such Sessions the proper vouchers for the same, and also transmit once in each and every year, a certified copy thereof on oath, to the Governor, Lieutenant Governor, or Person administering the Government, in order that the same may be laid before the Legislative Council and House of Assembly; and the discharges of the said Justices of the Peace, or the greater part of them, by their orders made at their General Quarter Sessions, to such Treasurer, shall be taken and allowed as good and sufficient acquittance to the full amount thereof.

Duty of the Treasurer.

XV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Justices of the Peace, at their General Quarter Sessions, or the greater part of them, from time to time, to continue such

Treasurer to hold his office at the pleasure of the Quarter Sessions.

such Treasurer in his office so long as they shall see convenient, and to remove him at their pleasure, and to appoint any other proper person in his place.

Form of the Assessments and Rates.

XVI. *And be it further enacted by the authority aforesaid, That the Assessments and Rates hereby imposed, may be in the form hereunto subjoined.*

Continuance of this Act.

(See 33d Geo. III. c 3, & 66th c 5.)

XVII. *And be it further enacted by the authority aforesaid, That this Act shall be and continue to be in force for four years, and no more.*

Form of an Assessment for the Township for the Year commencing and ending the

NAMES.			Acres of Land.		HOUSES.										MILLS.												Assessment.				
A	B	C	Uncultivated.	Arable, Pasture, or Meadow.	Town Lots in Queenston, Niagara York and Kingston, at Twenty Pounds each.	Town Lots in Cornwall, Sandwich, and Johnstown, at 10l. each.	Square or Hewed Timber on two sides, one Story.	Additional Fire Places.	Square Timber, two Story	Additional Fire Places.	Framed under two Story.	Additional Fire Places.	Brick or Stone of one Story, with not more than two Fire Places.	Additional Fire Places.	Brick or Stone of two Story, with not more than two Fire Places.	Additional Fire Places.	Wrought by Water with one pair of Stodes.	Additional pair of Stone.	Saw Mills.	Merchant's Shops.	Store Houses.	Stone Houses, three years old and upwards.	Houses of three years old and upwards.	Oxen of Four years and upwards.	Milch Cows.	Horned Cattle from two to four.	Rate per pound.	to	s.	d.	
Two Hundred Persons, (or as the case may be) in the above named District, have the Property hereunder enumerated.																		Aggregate.	Valuation.	Rate per Pound.	£ s. d.										

C H A P. IX.

An Act to repeal an Ordinance of the Province of Quebec, passed in the seventeenth year of His Majesty's Reign, intituled, "*An Ordinance for ascertaining damages on PROTESTED BILLS of EXCHANGE, and fixing the rate of INTEREST in the Province of Quebec;*" also, to ascertain damages on PROTESTED BILLS of EXCHANGE, and fixing the rate of INTEREST in this Province.

[*Passed 13th March, 1811.*]

WHEREAS, an Ordinance passed in the Province of Quebec, in the seventeenth year of His Majesty's Reign, intituled, "*An Ordinance for ascertaining damages on Protested Bills of Exchange, and fixing the rate of Interest in the Province of Quebec,*" is in part inapplicable to this Province; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the said Ordinance, as far as it relates to, or affects this Province, be, and the same is hereby repealed.*"

Preamble.

Ordinance passed in the 17th of Geo. III. in the Province of Quebec, for ascertaining damages on Protested Bills of Exchange, and fixing the rate of Interest in that Province repealed.

II. *And be it further enacted by the authority aforesaid, That from and after the passing of this Act, all Bills of Exchange drawn, or hereafter to be drawn, by any person or persons residing in this Province, upon any person or persons in Europe or the West Indies, that may return under Protest for non-payment thereof, shall be subject to ten per cent. damages, and six per cent. per annum interest upon the principal sum furnished here, from the day of the date of the Protest to the time of payment, which said principal sum shall be reimbursed to the holder of the Bill at the par of exchange. that is to say, at the rate of one hundred and eleven pounds and one ninth Currency, for one hundred pounds Sterling.*

Damages and interest on protested Bills of Exchange drawn in this Province, on Europe or the West Indies.

III. *And be it further enacted by the authority aforesaid, That all and every Bill or Bills of Exchange drawn or hereafter to be drawn by any person or persons residing in this Province, on any person or persons in North America, the West Indies excepted, and shall be returned Protested, shall be subject to four per cent. damages, and six per cent. per annum, interest upon the principal sum furnished here, from the day of the date of the Protest to the time of payment.*

Damages and interest on protested Bills of Exchange, drawn in this Province or North America, the West Indies excepted.

IV. *And be it further enacted by the authority aforesaid, That all Bills, Orders, or Mandates, drawn after the passing hereof, by any person or persons residing in this Province, or any person or persons living in the same, and Notes of Hand, given in this Province, if Protested for non-*

Interest on protested Bills, Orders, or Mandates, drawn in this Province, on persons living therein, and on Notes of Hand, given in this Province.

payment,

payment, shall be subject to six per cent. per annum, interest, from the date of the Protest, to the time of payment.

Expence of Noting, Protesting, by whom to be paid.

V. And be it further enacted by the authority aforesaid, That in all the said causes of Protest, the expence of Noting and Protesting the Bill, and the Postages thereby incurred, shall be allowed and paid to the holder, over and above the said interest and damages.

Interest for the loan of any Monies, &c. shall not be taken above the rate of six pounds per centum for a year.

All Bonds, Contracts, &c. whereupon a greater interest shall be reserved, shall be void.

Penalties for receiving a higher rate of interest.

How recovered.

VI. And be it further enacted by the authority aforesaid, That it shall not be lawful upon any contract, to take, directly or indirectly, for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of six pounds for the advance or forbearance of one hundred pounds for a year; and so after that rate for a greater or less sum or value, or for a longer or shorter time; and the said rate of Interest shall be allowed and recovered in all cases where it is the agreement of the parties that Interest shall be paid; and all Bonds, Contracts, and Assurances whatsoever, whereupon or whereby a greater Interest shall be reserved and taken, shall be utterly void, and every person who shall, either directly or indirectly, take, accept, and receive a higher rate of Interest, shall forfeit and lose, for every such offence, treble of the value of the monies, wares, merchandize, and other things lent, or bargained for, to be recovered by action of debt in the Court of King's Bench in this Province, a moiety of such forfeiture shall be paid into the hands of His Majesty's Receiver General, for the use of His Majesty, His Heirs and Successors, towards the support of the Civil Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be pleased to direct, and the other moiety to him or them that shall sue for the same.

STATUTES
OF
UPPER-CANADA,

**PASSED IN THE FIRST SESSION OF THE FIFTH PROVINCIAL
PARLIAMENT,**

**MET AT YORK, ON THE THIRD DAY OF FEBRUARY, AND PROROGUED ON THE SIXTH
DAY OF MARCH FOLLOWING, IN THE FIFTY-SECOND YEAR
OF THE REIGN OF GEORGE III.**

ISAAC BROCK, Esquire, President.

ANNO DOMINI 1812.

C H A P. I.

**An Act to prevent Desertion from His Majesty's Regular Forces, by granting a Bounty for
APPREHENDING DESERTERS in this Province.**

[Expired at the close of last European war.]

C H A P. II.

**An Act for granting to His Majesty a certain sum of Money out of the Funds applicable to the
uses of this Province, to defray the expences of Amending and Repairing the PUBLIC
HIGHWAYS and ROADS, and Building BRIDGES in the several Districts thereof.**

[Repealed by 52d Geo. III. c 2. 2d Sess.]

C H A P. III.

48th Geo. III. c 1.

An Act to extend the provisions of an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "*An Act to explain, amend and reduce to one Act of Parliament, the several Laws now in being, for the Raising and Training the MILITIA of this Province.*"

[Expired, 1813.]

C H A P. IV.

An Act to prevent DAMAGE to TRAVELLERS on the Highways in this Province.

[Passed 6th March, 1812.]

Preamble.

All persons travelling on the highway, and meeting sleds, &c. to turn out to the right hand and give half the road.

WHEREAS evil disposed persons travelling the Highways in this Province with sleds or other carriages, frequently do injury to His Majesty's subjects whom they do meet on the Highways aforesaid, by not giving an equal half of the width of the Road or beaten track, or any part thereof, for the conveniency of passing each other; For remedy thereof, and to put an end to such evil practices, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, it shall be the duty of every person or persons travelling the Highways with sleds or other carriages as aforesaid, when, and as often as they do meet each other, for each person or persons so meeting, to turn out to the right hand with their sleds or other carriages, and give one equal half of said Road, Highway or beaten track, for the more easy passing each other, without doing damage to either party's team, sled, or other carriage as aforesaid.

Penalty for disobedience of this Act.

How recovered.

II. And be it further enacted by the authority aforesaid, That if any persons travelling as aforesaid, with sleds or other carriages, do meet each other on the Roads, and shall refuse or neglect to give the one to the other the one half of the width of the Road, Highway, or beaten track as aforesaid, the party so refusing, shall forfeit and pay the sum of Ten Shillings, with reasonable costs, to be recovered before any one of His Majesty's Justices of the Peace within the District where such offence may be committed, on confession of the party so refusing or neglecting, as aforesaid, or on the conviction

viction thereof by the oath of any one credible witness, which oath, the said Justice of the Peace is hereby authorized to administer, to be levied by distress and sale of the offender or offenders' goods and chattels, and for want of sufficient distress to satisfy such fine and costs, it shall be the duty of such Justice, before whom the cause may be tried, to commit such offender or offenders to the common Gaol of the District, for any time not exceeding three days, unless such fine and costs shall be sooner by him or them paid.

III. *And be it further enacted by the authority aforesaid,* That from and after the first day of December next ensuing, every person or persons travelling with sleighs on any Road, Highway, or beaten track, in this Province, shall have affixed two or more bells to the harness thereof, and any person neglecting so to do, shall, on conviction thereof, by confession, or by the oath of one credible witness, before any of His Majesty's Justices of the Peace within the District where such offence may be committed, which oath, the said Justice is hereby authorized to administer, forfeit and pay the sum of Ten Shillings, to be levied by distress and sale of the offender or offenders' goods and chattels.

Two or more bells
to be affixed to the
harness of every sleigh

Penalty for neglect.

IV. [*Repealed by 56 Geo. III. c 11, s 2.*]

How fines to be as-
counted for and dis-
posed of.

V. *And be it further enacted by the authority aforesaid,* That all complaints to be made under and by virtue of this Act, shall be made within ten days after the offence has been committed, and not afterwards.

Complaints under
this Act to be made
within ten days.

VI. [*Repealed by 56th George III. c 11, s 2.*]

Act in force for four
years.

C H A P. V.

An Act for applying a certain sum of MONEY therein mentioned, to make good certain MONIES issued and advanced by His Majesty, through the Lieutenant Governor, in pursuance of an Address of the House of Assembly.

[*Temporary.*]

C H A P. VI.

An Act for granting to His Majesty a sum of MONEY for the USE of the MILITIA of this Province.

[*Temporary.*]

£6000 to be applied
in defraying the ex-
pence of training and
exercising the Militia
in such manner as the
Governor, &c. shall di-
rect.

C H A P. VII.

44th Geo. III c 8.
Governor to issue his warrant to the Receiver General for one hundred and seventy-five pounds, to be laid out in the purchase of the Statutes of Great Britain and other books for the use of the Provincial Legislature, in addition to former appropriation.

An Act to extend the Provisions of an Act passed in the forty-fourth year of His Majesty's Reign, intituled, "*An Act for granting to His Majesty a certain sum of MONEY for the purposes therein mentioned.*"

[Temporary.]

C H A P. VIII.

An Act for granting to His Majesty a certain sum of MONEY, further to encourage the GROWTH and CULTIVATION of HEMP in this Province, and for other purposes.

(See 63d Geo. III. c 7.)

[Repealed.]

C H A P. IX.

Revised and continued by 55th Geo III c 21.

An Act to amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "*An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, intituled, 'An Act to afford RELIEF to those persons who may be entitled to claim LANDS in this Province, as HEIRS, or DEVISEES of the NOMINEES of the Crown, in cases where no Patent hath issued for such Lands, and further to extend the benefits of the said Act,' and to continue part of the same.*"

[Passed 6th March, 1812.]

Preamble

45th Geo. III. c 2,
& 46th c 20.

WHEREAS, an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, intituled, 'An Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in cases where no Patent hath issued for such Lands, and further to extend the benefits of the said Act,' will shortly expire; and it is expedient to amend the said Act, and to continue part of the same; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That such

such part of the said Act passed in the forty-eighth year of His Majesty's Reign, as requires that the Commissioners therein mentioned, shall hold their Sittings at the Town of York, twice in the year, shall be, and the same is hereby repealed.

Part of 48th Geo. III.
c 10 repealed,

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the Sittings of the said Commissioners shall be holden, in this present year, during the first ten days next succeeding the present Session of the Legislature of this Province, and also during fifteen days, to commence on the first Monday of July next, and in each and every other year during the continuance of this Act, the said Sittings of the Commissioners shall be holden at the said Town of York, once in the year, to wit, during fifteen days, to commence on the first Monday of July. *Provided always nevertheless,* That when the said Commissioners shall have good reason to believe that there will not be sufficient business to require their daily attendance throughout the term limited for their Sittings, as last aforesaid, they may be at liberty to adjourn for any time within the same, that may be consistent with the despatch of such business as may be brought before them.

Times and place of
sitting of the Commis-
sioners,

III. *And be it further enacted by the authority aforesaid,* That the said Act of the forty-eighth year of His Majesty's Reign, and every matter and thing therein contained, except such part thereof as is hereby altered and amended, shall be, and is hereby continued.

Act of 48th Geo. III.
c 10, (except such part
as is by this Act repeal-
ed) is continued.

IV. *And be it further enacted by the authority aforesaid,* That this Act shall be, and it is hereby declared to be in force for and during the space of four years, and no longer.

Continuance of this
Act.

C H A P. X.

An Act to amend an Act passed in the fiftieth year of His Majesty's Reign, intituled, "*An Act to provide for laying out, Amending, and keeping in Repair the PUBLIC HIGHWAYS and ROADS in this Province, and to repeal the Laws now in force for that purpose.*"

50th Geo. III c 3.

[Passed 6th March, 1812.]

WHEREAS, by the eighth clause of an Act passed in the fiftieth year of His Majesty's Reign, intituled, "An Act to provide for the laying out, Amending, and keeping in Repair, the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose," it is provided, That all Surveyors of Highways, when employed to act as such, shall be paid out of the District Treasury; and also by the fourth clause of the above recited Act, the Surveyors of Land, when directed by the Justices in Quarter Sessions assembled, and employed to survey any Road or Roads, are directed to be paid out of the District Treasury;

Preamble.

Treasury; and whereas, it is found from experience, that many Roads are unnecessarily laid out; for remedy thereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That when any Roads shall be hereafter laid out under the authority of the above recited Act, that shall not be confirmed by the Justices in General Quarter Sessions, then and in that case the expence or charge of any Surveyor or Surveyors, at the rate and proportion as described in the above recited Act, shall be paid by the party applying for such Survey, any Law to the contrary notwithstanding.

When any Road shall be laid out and not confirmed by the Justices in Quarter Sessions the party applying for the Survey shall pay the charge and expence of the Surveyors.

C H A P. XI.

Two first clauses of 33d Geo. III c 12, to provide for the appointment of Returning Officers continued for four years and from thence to the end of the then next ensuing Session of the Provincial Parliament.

(Sec 66 Geo. III c 4)

An Act further to continue an Act passed in the thirty-third year of His Majesty's Reign, intituled "*An Act to provide for the appointment of RETURNING OFFICERS of the several Counties within this Province.*"

STATUTES OF UPPER-CANADA,

PASSED IN THE FIRST SESSION OF THE SIXTH PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE TWENTY-SEVENTH DAY OF JULY, AND PROROGUED ON THE FIFTH
DAY OF AUGUST FOLLOWING, IN THE FIFTY-SECOND YEAR
OF THE REIGN OF GEORGE III.

ISAAC BROCK, Esquire, President.

ANNO DOMINI 1812.

C H A P. I.

An Act to Repeal part of the Laws now in force for RAISING and TRAINING the MILITIA
of this Province, and to make further Provision for the Raising and Training of the said
Militia.

[Expired.]

C H A P. II.

An Act to repeal an Act passed in the fifty-second year of His Majesty's Reign, intituled, "*An Act for granting to His Majesty a certain sum of MONEY out of the Funds applicable to the uses of this Province, to defray the expences of Amending and Repairing the PUBLIC HIGHWAYS and ROADS, and Building BRIDGES in the several Districts thereof.*"

[Repeals 52d Geo. III. c 2, First Session.]

52 Geo. 3d. ch. 2d
repealed.

Commissioners under 52d Geo. 3d to pay to the Receiver General the Monies in their hands unexpended, together with a statement on oath of such Monies as they have laid out,—said Commissioners may retain all such Monies as they have obliged themselves to pay for labour performed on the highways, or for labour already begun but not completed.

C H A P.

C H A P. III.

An Act to provide for the DEFENCE of this PROVINCE.

[Expired.]

C H A P. IV.

An Act to repeal an Act passed in the forty-fourth year of His Majesty's Reign, intituled,
*"An Act appropriating a certain sum of Money annually, to defray the expences of erecting
PUBLIC BUILDINGS to and for the uses of this Province."*

[Repeals 44th Geo. III. c 9.]

C H A P. V.

An Act for Granting a certain sum of MONEY to make good certain sums of Money issued and
advanced by His Majesty through his Honor the President, in pursuance of an Address of the
House of Assembly.

STATUTES OF UPPER-CANADA,

PASSED IN THE SECOND SESSION OF THE SIXTH PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE TWENTY-FIFTH DAY OF FEBRUARY, AND PROROGUED ON THE THIR-
TEENTH DAY OF MARCH FOLLOWING, IN THE FIFTY-THIRD YEAR
OF THE REIGN OF GEORGE III.

ROGER HALE SHEAFFE, Esquire, President,

ANNO DOMINI 1813.

C H A P. I.

An Act to facilitate the CIRCULATION within this Province of ARMY BILLS, issued by au- (See 54th Geo. III. c
16, & 56th, c 25.)
thority of the Province of Lower Canada.

[*Expired.*]

C H A P. II.

An Act to Repeal and Amend certain parts of the MILITIA LAW, and also for the TRANS-
PORTING NAVAL and MILITARY STORES.

[*Expired.*]

C H A P. III.

An Act to authorise the Governor, Lieutenant Governor or Person administering the Government of this Province to prohibit the EXPORTATION of GRAIN and other PROVISIONS, and also to restrain the DISTILLATION of SPIRITUOUS LIQUORS from Grain.

[Expired.]

(See 54th Geo. III. c 8)

C H A P. IV.

An Act to provide for the Maintenance of PERSONS DISABLED and the Widows and Children of such persons as may be killed in His Majesty's Service.

[Passed 13th March, 1813.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS it is deemed expedient to provide means for the support of such Officers, Non-commissioned Officers and Private Militia Men as may be disabled in His Majesty's Service, and to provide for the support of the Widows and Children of such Officers, Non-commissioned Officers and Private Militia Men as may be killed on such Service; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That if any Officer, Non-commissioned Officer or Private Militia Man, shall in any engagement with an Enemy, or by any accident or casualty which may occur while performing any duty on Actual Service, be killed and leave a Widow, Child or Children lawfully begotten, his Widow shall be entitled to receive, during her widowhood, and in case of the death or marriage of such Widow, then the eldest Child or Guardian, for the use of such Child or Children of such Officer, Non-commissioned Officer or Private Militia Man, until the youngest thereof shall have attained the age of sixteen years, an Annuity of Twenty Pounds, lawful money of this Province.

Pension to be paid to the widows & children of officers, non-commissioned officers and militia men killed in actual service.

Pension to officers, non-commissioned officers or Militia men disabled on service and having wife or child; and in case of death before recovering from such incapacity, to his widow or children.

II. [Repealed by 56 Geo. III. c 17, s 1.]

III. [*Repealed by 55th George III. c 6, s 1.*]

Pension to be paid to officers, &c. disabled, not having a wife or child.

IV. *And be it further enacted by the authority aforesaid,* That the thirty-eighth clause of an Act passed in the fifty-second year of His Majesty's Reign, intituled "An Act to repeal part of the Laws now in force for raising and training the Militia of this Province, and to make further provision for the raising and training the said Militia." shall be repealed, and the same is hereby repealed accordingly. *Provided always,* That nothing herein contained, shall prevent or be construed to prevent the persons who have been wounded or disabled before the passing of this Act, or the Widow or Child or Children of such person or persons as have been killed on Actual Service, from receiving the Annuity heretofore by Law allowed to them.

38th section of 52d Geo. III c 1, repealed.

Nothing herein to prevent payment of pensions heretofore allowed.

V. *And be it further enacted by the authority aforesaid,* That the said several Annuities herein granted, shall be paid by the Receiver General of this Province, out of any monies that now are or which may hereafter come into his hands, subject to the disposition of the Parliament of this Province, and in discharge of such warrant or warrants as may be issued by the Governor, Lieutenant Governor, or person administering the Government of this Province, and it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, to order and direct that the said Annuities herein granted and allowed, shall be paid either in advance or by quarterly or half yearly payments, as to him shall seem proper. And the said several sums of money when so paid, shall be accounted for to His Majesty, his Heirs or Successors, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors may please to direct.

How annuities to be paid.

May be paid in advance, &c.

(See 57th Geo. III c 6)

C H A P. V.

An Act to prohibit the sale of SPIRITUOUS LIQUORS to INDIANS within this Province.

[*Expired.*]

C H A P. VI.

An Act to continue an Act passed in the fifty-second year of His Majesty's Reign, intituled "An Act to provide means for the DEFENCE of this PROVINCE, and to make further provision for the same."

52d Geo. III. c 3, second Session.

[*Expired.*]

C H A P.

C H A P. VII.

An Act to repeal an Act passed in the forty-fourth year of His Majesty's Reign, intituled, "*An Act for granting to His Majesty a certain sum of MONEY for the further encouragement of the growth and cultivation of HEMP within this Province, and the exportation thereof,*" as also an Act passed in the fifty-second year of His Majesty's Reign, intituled, "*An Act for granting to His Majesty a certain sum of Money further to encourage the growth and cultivation of HEMP in this Province, and for other purposes.*"

[Repeals 44th Geo. III. c 11, and 52d Geo. III. c 8, first Sess.]

C H A P. VIII.

(56 Geo. III. c 13.) An to continue for a limited time the PROVISIONAL AGREEMENT entered into with Lower Canada, at Montreal, on the fifth day of July, One Thousand Eight Hundred and Four, relative to Duties; also, continuing for a limited time, the several Acts of the Parliament of this Province now in force relating thereto.

[Expired.]

C H A P. IX.

An Act to alter and amend an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "*An Act for the better regulation of PARISH and TOWN OFFICERS throughout this Province.*"

[Passed 13th March, 1813.]

Preamble.
(48th Geo. III. c 14.)

WHEREAS, so much of an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "*An Act for the better regulation of Parish and Town Officers throughout this Province,*" as relates to the Collectors and Town Clerks, is found insufficient: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,*" and by the authority of the same, That the Collector of each and every Parish, Township, reputed Township, or Place, shall and he is hereby required,

required, once in every three months, and oftener, if thereto required by the Magistrates in General Quarter Sessions assembled, to pay or cause to be paid to the Treasurer of the District, all such monies as he shall have received under and by virtue of any Act of this Province, and it shall and may be lawful for the said Treasurer to give a receipt for the monies so collected and paid over to him, which receipt, shall be a good and sufficient discharge to the said Collector for the monies so collected and paid by him to the said Treasurer.

Collectors to pay over once in three months, or oftener if required, all monies received.

Treasurer to give a receipt for the same.

II. *And be it further enacted by the authority aforesaid,* That the condition of the bond to be entered into by the Collector of each and every Township within this Province, agreeable to the second Clause of an Act passed in the forty-eighth year of His Majesty's Reign, intituled, "An Act for the better regulation of Parish and Town Officers throughout this Province," shall be in the following form: The condition of this obligation is such that if the above bounden A. B. shall collect and levy all the Rates and Assessments of the Township or Townships of for the present year, ending on the first Monday of March next, so far as the Law may enable him so to do, and shall pay all the monies which he shall so collect and levy, to the Treasurer of the said District, once in every three months, or oftener, if thereto required by the Magistrates in General Quarter Sessions assembled, and if the said A. B. do well and truly collect and pay, by the different payments to be made, as aforesaid, the whole amount of all monies received by him on or before the first day of March (a) next ensuing his appointment as Collector, then this obligation to be void, or else in full force.

Form of bond to be entered into by collectors.

(a) See 57 Geo. III. c 7 s 2.

III. *And be it further enacted by the authority aforesaid,* That if any Town Clerk shall neglect or refuse to provide such bond and transmit the same, if executed, to the Treasurer of the District, as by Law is directed, he shall, for every such neglect or refusal, upon conviction thereof before two or more of His Majesty's Justices of the Peace for the District, on the oath of one or more credible witness or witnesses, pay a sum not less than Five Pounds, nor more than Twenty-Five Pounds, to be levied by distress and sale of the offender's goods and chattels, under and by virtue of a warrant issued by such Justices, and when such Fines shall be recovered and received, a moiety thereof shall be paid to the informer or informers, and the other moiety paid into the hands of the Receiver General, to and for the uses of His Majesty, His Heirs and Successors, for the public use of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty, through the Commissioners of His Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

Penalty for Town Clerks neglecting to provide and transmit the said bond.

How to be recovered and applied.

IV. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to the County of Prescott in the Eastern District of this Province.

County of Prescott excepted from this Act.

(See 33 Geo. III. c 3.)

C H A P. X.

An Act to amend an Act passed in the forty-ninth year of His Majesty's Reign, intituled, "*An Act for QUARTERING and BILLETING, on certain occasions, His Majesty's TROOPS and the MILITIA of this Province, and to repeal a part of the same.*"

[Passed 13th March, 1813.]

Preamble.

49th Geo. III. c. 2.

WHEREAS, by the first clause of an Act passed in the forty-ninth year of His Majesty's Reign, intituled, "*An Act for quartering and billeting, on certain occasions, His Majesty's Troops and the Militia of this Province,*" among other things it is therein enacted, that one of His Majesty's Justices of the Peace may issue his warrant to impress such horses, carriages, and oxen, as the Service may require, for the use of which the owner or owners thereof shall be entitled to receive the sum of seven shillings and six pence per day, for every cart or carriage with two horses or oxen, during such time as they shall be employed in such service, and when and so often as the owner of such team shall send a driver, he shall be allowed a further sum of two shillings and six pence per day," and whereas so much of the above recited Act as relates to the payment of the owners of horses, carriages, and oxen, is founded inapplicable to the purposes thereby intended, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That the same be and is hereby repealed.*"

49th Geo. 2, c. 2; in part repealed.

Owners of impressed carriages shall receive 12s 6d per day for each carriage, and a further sum of 2s 6d per day for a driver.

II. *And be it further enacted by the authority aforesaid, That the owner or owners of such carriages, horses, or oxen, as shall be impressed for the use of His Majesty's Service, shall be entitled to receive the sum of twelve shillings and six pence per day, for every cart or carriage with two horses or oxen, during such time as he or they shall be employed in going and returning, or shall be detained in such service, and when and so often as the owner of such team shall send a driver, he shall be allowed a further sum of two shillings and six pence per day.*

C H A P. XI.

An Act for Granting a certain sum of MONEY to make good certain sums of Money issued and advanced by His Majesty through his Honor the President, in pursuance of an Address of the House of Assembly.

STATUTES OF *UPPER-CANADA,*

PASSED IN THE *THIRD* SESSION OF THE *SIXTH* PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIFTEENTH DAY OF FEBRUARY, AND PROROGUED ON THE FOUR-
TEENTH DAY OF MARCH FOLLOWING, IN THE FIFTY-FOURTH YEAR
OF THE REIGN OF GEORGE III.

GORDON DRUMMOND, Esquire, PRESIDENT.

ANNO DOMINI 1814.

C H A P. I.

An Act to repeal part of the Laws now in force for Raising and Training the MILITIA of
this Province, and to make further and more effectual provision for the same.

[*Expired.*]

C H A P. II.

An Act to provide for the issuing and circulating of GOVERNMENT BILLS in this Province.

[*Expired.*]

C H A P.

C H A P. III.

An Act for granting to His Majesty a certain sum of Money out of the Funds applicable to the uses of this Province, to defray the expences of Amending and Repairing the PUBLIC HIGHWAYS and ROADS, and Building BRIDGES in the several Districts thereof.

£8000 granted to be appropriated, &c.

[Temporary.]

C H A P. IV.

32 Geo. III. c. 2.

An Act to repeal and amend part of an Act passed in the thirty-fifth year of His Majesty's Reign, intituled, "*An Act to ascertain the ELIGIBILITY of PERSONS to be returned to the HOUSE OF ASSEMBLY.*"

[Repealed by 58th Geo. III. c. 9.]

C H A P. V.

51st Geo. III. c. 2.

An Act to repeal part of an Act, and to amend and continue an Act passed in the fifty-first year of His Majesty's Reign, intituled, "*An Act to repeal an Act passed in the forty-seventh year of His Majesty's Reign, intituled, 'An Act for granting to His Majesty Duties on Licences to HAWKERS, PEDLARS, and PETTY CHAPMEN, and other trading persons therein mentioned, and further for granting to His Majesty Duties on Licences to Hawkers, Pedlars, and Petty Chapmen, and other trading persons therein mentioned.'*"

[Expired.]

C H A P. VI.

An Act to empower His Majesty, for a limited time, to secure and detain such Persons as His Majesty shall suspect of a TREASONABLE ADHERENCE to the ENEMY.

[Expired.]

C H A P. VII.

An Act laying an additional DUTY on STILLs within this Province.

[Expired.]

C H A P. VIII.

An Act to continue and amend an Act passed in the fifty-third year of His Majesty's Reign, intituled, "*An Act to authorize the Governor, Lieutenant Governor, or Person administering the Government of this Province, to prohibit the EXPORTATION of GRAIN and other PROVISIONS, and also, to restrain the DISTILLATION of SPIRITUOUS LIQUORS from GRAIN.*"

684 Geo. III. c.3.

[Expired 14th March, 1815.]

C H A P. IX.

An Act to declare certain persons therein described ALIENS, and to vest their Estates in His Majesty.

[Passed March 14th, 1814.]

WHEREAS, many persons inhabitants of the United States of America, claiming to be Subjects of His Majesty, and renewing their allegiance as such by oath, did solicit and receive grants of Lands from His Majesty, or became seized of Lands by inheritance or otherwise, within this Province, which persons, since the declaration of War by the said United States of America, against His Majesty and His Subjects of the United Kingdom of Great Britain and Ireland, have voluntarily withdrawn themselves from their said allegiance, and the defence of the said Province: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That all such persons as aforesaid, who, having received grants of Land, or may have become seized of Lands, within this Province, by inheritance or otherwise, as shall have

Preamble.

Persons who having come from the U. S. of America and received grants of land in this Province, representing themselves to be British subjects, and having taken the oath of allegiance, who after 1st July, 1812, shall have voluntarily left this Province and gone into the U. S. of America, without licence, or may hereafter go thither during the present war with America, without such licence, shall be deemed Aliens, and incapable of holding lands in this Province.

voluntarily withdrawn themselves from this Province into the United States of America, since the first day of July, one thousand eight hundred and twelve, or who may hereafter during the present War, voluntarily withdraw themselves from this Province into the said United States, without licence, granted under the authority of the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall be taken and considered to be Aliens born, and incapable of holding Lands within this Province.

Governor, &c. may authorise by commission under the Seal of the Province, any Sheriff, Coroner, or other person in the several Districts of this Province, to inquire of such persons by a jury, and also what lands they were seized of, and after such inquisition such lands shall revert to His Majesty.

Persons interested in the said lands may traverse such inquisition within one year after peace with America, or after finding of the said inquisition.

This act not to affect the claim of bona fide creditors, or defeat any just lien, or claim on such lands
(See 56th Geo. III. c 12.)

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, by Commission under the Great Seal of this Province to authorise any Sheriff, Coroner, or other person or persons in the several Districts of this Province, to enquire by the oath of twelve good and lawful men of their respective Districts, and by inquisition indented under the hands and Seals of the said Jurors, and of the said Commissioner or Commissioners, to return to His Majesty's Court of King's Bench all such persons as aforesaid, who, seized of Lands in the respective Districts, shall have voluntarily withdrawn from the Province into the United States of America since the said first day of July, and before the conclusion of the existing War with those States, without licence granted under the authority of the Governor, Lieutenant Governor, or Person administering the Government, and from and after the said finding by such inquisition, His Majesty shall become seized of the Lands so found to have been in the Seisin of such person on the said first day of July. *Provided always,* That nothing in this Act contained, shall be construed to prevent any persons interested in the said Lands from traversing any inquisition or office respecting the same, at any time within one year after the Peace shall be established between His Majesty, and the United States of America, or within one year after the finding of such inquisition.

III. *Provided always,* That nothing in this Act shall extend or be construed to extend to affect the claim of any bona fide creditor, or to defeat any just lien or security of, or upon any Lands, Tenements or Hereditaments whatsoever.

C H A P. X.

An Act to grant to His Majesty an ADDITIONAL DUTY on SHOP and TAVERN LICENCES.

[*Expired.—The Act of 56th Geo. III. c 10, by which it was continued, having been repealed by 59th c 2, s 1.*]

C H A P. XI.

An Act for the more impartial and effectual trial and punishment of HIGH TREASON and MISPRISION of HIGH TREASON, and Treasonable Practices in this Province.

[Expired.]

C H A P. XII.

An Act for applying a CERTAIN SUM of MONEY to make good certain Monies issued and advanced by His Majesty, through His Honor Sir Roger Hale Sheaffe, Baronet, President, in pursuance of an Address of the House of ASSEMBLY.

C H A P. XIII.

An Act to supply in certain cases the want of COUNTY COURTS in this Province.

[Repealed by 55th Geo. III. c 2, s 1.]

C H A P. XIV.

An Act to repeal so much of an Act passed in the seventh year of the Reign of Queen Anne, and also, so much of an Act passed in the seventeenth year of the Reign of His late Majesty King George the Second, as puts an end to the FORFEITURE OF INHERITANCE upon attainder of Treason, after the death of the Pretender and his Sons.

[Passed 14th March, 1814.]

WHEREAS, an Act was passed in the seventh year of the Reign of Her late Majesty Queen Anne, intituled, "An Act for improving the Union of the two Kingdoms;" whereby amongst other things it was provided and enacted, that after the decease of the person who pretended to be Prince of Wales, during the life of the late King James, and since pretends to be King of Great Britain; and at the end of the term of three years after the immediate Succession to the Crown, upon the demise of Her said late Majesty, should take effect, no attainder for Treason should extend to the disheriting of any heirs, nor to the prejudice of the right or title

Preamble.

7th Anne, c 21, in part recited.

17th Geo. II. c. 29.
recited.

Certain provisions in
the said Act contained
repealed by this Act.

title of any person or persons, other than the right or title of the offender or offenders, during his, her, or their natural lives only; and that it should and might be lawful for every person or persons, to whom the right or interest of any Lands, Tenements or Hereditaments after the death of any such offender should or might have appertained, if no such attainder, had been to enter the same. And whereas by another Act passed in the seventeenth year of the Reign of His late Majesty King George the Second, intituled, "An Act to make it High Treason to hold correspondence with the Sons of the Pretender to His Majesty's Crown, and for attainting them of High Treason, in case they should land or attempt to land in Great Britain, or any of the Dominions thereunto belonging, and for suspending the operation and effect of a Clause in the Act of the seventh year of the late Queen Anne, for improving the Union of the two Kingdoms, relating to Forfeitures for High Treason until after the decease of the sons of the Pretender," After reciting so much of the aforesaid Act as is herein before recited, it was further enacted, that the said Provision so made by the aforesaid Act should not take place, nor have any operation, force or effect whatsoever, until after the deceases, not only of the said Pretender, but also of his eldest son, and all and every other son and sons. And Whereas it is expedient that the said Provisions in the two several Acts contained and herein before recited, should be repealed. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Provisions in the said two several Acts contained and herein before recited shall be and the same are hereby repealed.

C H A P. XV.

An Act to empower the Commissioners of the Peace for the Home District, in their Court of General Quarter Sessions assembled, to establish and regulate a MARKET in and for the Town of YORK, in the said District.

[Passed 14th March, 1814.]

Preamble.

WHEREAS, it is expedient for the convenience of the Inhabitants of the Home District, that a Market should be established at York, in the said District, and that the times and places for holding such Market should be ascertained; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly

sembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Commissioners of the Peace in the Home District, in their Court of General Quarter Sessions assembled, and they are hereby authorized and empowered to fix upon and establish some convenient place in the Town of York as a Market, where Butcher's Meat, Butter, Eggs, Poultry, Fish, and Vegetables shall be exposed to Sale, and to appoint such days and hours for that purpose, and to make such other Orders and Regulations relative thereto as they shall deem expedient.

Market to be erected
in the town of York.

Orders and regula-
tions.

II. *And be it further enacted by the authority aforesaid,* That the said Commissioners shall be, and they are hereby authorised and empowered to impose such fines not exceeding Twenty Shillings for any offence committed against such Rules and Regulations as to them, in their discretion shall seem requisite and proper.

Fines for offences.

III. *And be it further enacted by the authority aforesaid,* That all such Orders, Rules and Regulations shall be published by causing a copy of them to be affixed in the most public place in every Township, in the said District, and at the doors of the Church and Court House of the said Town of York, and that such Orders, Rules and Regulations shall not be in force until three weeks after such publication.

Publication of rules,
orders, and regulations.

IV. *And be it further enacted by the authority aforesaid,* That if any person shall transgress the Orders and Regulations so made by the said Commissioners, such person for every such transgression, shall forfeit the sum which in every such Order, Rule and Regulation, shall be specified, to be recovered by information before any one Commissioner of the Peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such Commissioner, upon the Goods and Chattels of such offender, and that the one moiety of the sum so levied, shall go to the informer, and the other moiety shall be paid into the hands of His Majesty's Receiver General to and for the use of His Majesty, his Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty's, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

Mode of levying and
application of fines.

C H A P. XVI.

Continues 53d Geo. III. c 1, one year, and to end of the then next ensuing Session of Parliament.

(See 56th Geo. III. c 25.)

An Act to facilitate the circulation, within this Province, of ARMY BILLS issued by authority of the Province of Lower Canada.

[Expired.]

C H A P. XVII.

Surplus revenue of this Province placed at the disposal of the Governor, &c. for his defence.

An Act for granting to His Majesty, his Heirs and Successors, a SUM of MONEY towards defraying the expence attending the DEFENCE of this Province.

[Expired.]

C H A P. XVIII.

(See 56th Geo. III. c 13.)

An Act to continue, for a limited time, the PROVISIONAL AGREEMENT entered into between this Province and Lower Canada, at Montreal on the fifth day of July, one thousand eight hundred and four, relative to Duties, also for continuing, for a limited time, the several Acts of the Parliament of this Province relating thereto.

[Expired.]

C H A P. XIX.

46th Geo. III. c 1.

An Act to continue an Act passed in the forty-sixth year of His Majesty's Reign, intituled, "An Act to make PROVISION for certain SHERIFFS in this Province."

[Continues 46 Geo. III. c 1, for three years, which is further continued by 57 Geo. III. c 8.]

STATUTES
OF
UPPER-CANADA,

PASSED IN THE FOURTH SESSION OF THE SIXTH PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIRST DAY OF FEBRUARY, AND PROROGUED ON THE FOURTEENTH
DAY OF MARCH FOLLOWING, IN THE FIFTY-FIFTH YEAR
OF THE REIGN OF GEORGE III.

GORDON DRUMMOND, Esquire, President.

ANNO DOMINI 1815.

C H A P. I.

An Act to grant to His Majesty a sum of Money to provide for amending and repairing the
PUBLIC HIGHWAYS in this Province.

*Grants £20,500 to be
appropriated, &c.
(See 56th Geo. III. c. 37.)*

[Temporary.]

C H A P. II.

An Act to repeal an Act passed in the fifty-fourth year of His Majesty's Reign, intituled, "*An
Act to supply in certain cases the want of COUNTY COURTS in this Province, and to make
further provision for proceeding to OUTLAWRY in certain cases therein mentioned.*"

[Passed 14th March, 1814.]

WHEREAS, doubts have arisen respecting the construction of an Act
of the Legislature of this Province, passed in the fifty-fourth year
of

Preamble,

of His Majesty's Reign, intituled, "An Act to supply in certain cases the want of County Courts in this Province:" Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That such part of the said Act as provides that it shall and may be lawful for the Court of King's Bench in this Province, on the usual return of "non est inventus" to the alias and pluries writs of capias, to issue a writ of exigent and award a writ of proclamation as therein is set forth, shall, in all cases that have arisen or may hereafter arise, be taken and considered to mean that such alias and pluries writs of capias, must be taken out and returned as aforesaid, when by Law they are usually required, before the writ of exigent or proclamation shall issue or be awarded, in manner aforesaid; but that the said Act shall not extend or be construed to extend to make necessary alias or pluries writs of capias, or any more or other writs of capias, before the issuing of the exigent and awarding proclamation, than are required in similar cases by the Law of England.

Such part of the Act passed in the 54th of the King as provides, that it shall be lawful for the Court of K. B. on the usual return of "non est inventus," to the alias and pluries writs of capias, to issue a writ of exigent, &c. shall be considered to mean where by law they are required.

By the law of England.

And whereas, it is expedient that some further and more particular provision be made respecting process of outlawry in this Province,

(54th Geo. III. c. 12. repealed.)

Be it therefore enacted by the authority aforesaid, That the said Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, intituled, "An Act to supply in certain cases the want of County Courts in this Province," be and the same is hereby repealed:

Nothing herein contained shall extend to make void any proceedings had under the said Act.

Provided always, nevertheless, That nothing in this Act contained shall extend to make void any proceedings heretofore had or made under the provisions and authority of the said Act.

The Courts of General Qr. Sessions of the Peace in the several Districts, declared to be in the stead of Sheriff's county Courts of England as far as respects outlawry.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the Courts of General Quarter Sessions of the Peace, in the several Districts of this Province, shall be and they are hereby declared to be in the place and stead of the Sheriff's County Courts of England, as far as respects any purpose of Outlawry or any proceedings therein.

The process upon every indictment shall be a capias issued from the Court before whom the said indictment shall be found, directed to the sheriff of the district, wherein the said Court shall be sitting; and if the person cannot be taken

III. *And be it further enacted by the authority aforesaid,* That after the passing of this Act, the process upon every indictment to bring the person indicted into Court, shall be a capias, in the usual form, issued from the Court before whom the said indictment shall be found, directed to the Sheriff of the District wherein the said Court shall be then sitting, commanding to take the person so indicted, and bring him before the said Court.

Court; and if the person cannot be taken during the sitting of the said Court, that then so soon after as he shall be taken, he do bring or cause him to be brought before some Justice of the Peace of the said District, to be dealt with according to Law: which said *capias* shall be made returnable in the Court of King's Bench, on the first day of the term next after the sitting of the said Court before which the said indictment shall have been found as aforesaid. And if upon the return of the said writ, the Sheriff of the said District shall return that the person therein named, is not to be found in his District, then an alias writ of *capias* shall issue from the Court of King's Bench, under the seal of the said Court, tested of the first day of the term, if in term time, or on the last day of the preceding term, if in vacation, returnable before the said Court of King's Bench, on the first day of the term next ensuing that in which the alias *capias* shall be so issued.

IV. *And be it further enacted by the authority aforesaid*, That if to the said writ of alias *capias*, the Sheriff shall return that the person therein named is not to be found in his District, then upon motion in Court or before a Judge in vacation, a writ of exigent shall issue, under the seal of the said Court, tested on the first day of the term, if in term time, or on the last day of the preceding term, if in vacation, and directed to the Sheriff of the District into which the said writs of *capias* shall have issued; which writ of exigent shall be returnable on the first day of the fifth term from that in which the same shall be awarded, and may be in the form following, that is to say:

George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith.

To the Sheriff of the District, Greeting.

We command you that you cause A. B. late of to be demanded from General Quarter Sessions to General Quarter Sessions, in your District, until, according to the Law of this Province, he be Outlawed if he doth not appear, and if he doth appear then, that you take him and cause him to be safely kept, so that you may have his body before us on the day of term next, (the return of the writ,) wherever we shall then be in Upper Canada, to answer to a certain bill of indictment found against him for (whatsoever the crime may be,) and have then there this writ.

Witness the Honorable Chief Justice, at York, this day of in the year of our Reign.

V. *And be it further enacted by the authority aforesaid*, That the Sheriff to whom the said writ of exigent shall issue, shall at three successive Courts of General Quarter Sessions of the Peace, to be holden in and for his District, before the return of the said writ, in open Court, immediately after the Commission of the Peace for the District shall have been read, make or cause to be made proclamation of all and every the persons named in the said exigent, requiring them to render themselves to answer to the said indictment.

during the sitting of the said Court, then so soon after as he shall be taken, cause him to be brought before some Justice of the Peace of said district, to be dealt with according to law.

Capias to be return'd in K. B. on the first day of the term after the sitting of the said court; and if upon the return of the said writ, Sheriff returns "non est," then an alias to issue, tested of the first day of the term, if in term time, or last day of the term, if in vacation, returnable first of ensuing term.

If to the writ of alias *capias* the sheriff returns "non est inventus," then upon motion in court, a writ of exigent shall issue, directed to the sheriff of the district into which the *capias* shall have issued.

Returnable on the 1st day of the fifth term from that in which the same shall be awarded.

Form of writ of exigent.

Sheriff at three successive Courts of General Quarter Sessions of the Peace to make proclamation of the persons named in the exigent, requiring them to render themselves to answer indictment.

If the person demanded, does not appear, sheriff to indorse the writ as follows.

VI. *And be it further enacted by the authority aforesaid*, That if the person or persons so demanded, do not appear, the Sheriff to whom the said writ of exigent is directed, shall indorse upon the said writ of exigent a return in the following form :

Form of return.

"By virtue of the within writ, to me directed, at the Court of General Quarter Sessions of the Peace, held at in and for the District of on the day of in the year within written, the within named A. B. was a first time demanded, and did not appear: And at the Court of General Quarter Sessions of the Peace held at aforesaid, for the District aforesaid, on the day of in the year aforesaid, (or as it may be) the said A. B. was a second time demanded, and did not appear: And at the Court of General Quarter Sessions of the Peace held at aforesaid, for the District aforesaid, on the day of in the year aforesaid, (or as it may be) the said A. B. was a third time demanded, and did not appear, therefore the said A. B. according to the Law of this Province is Outlawed.

The answer of

C. D. Sheriff.

In all cases wherein any writ of exigent, shall be awarded against any person described in the indictment as being lately conversant in any other district than that in which the exigent shall be awarded, a writ of proclamation shall be awarded with the same teste and return as the writ of exigent, directed to the sheriff of the district in which the person indicted shall in the said indictment be described as having been lately conversant.

VII. *And be it further enacted by the authority aforesaid*, That in all criminal cases wherein any writ of exigent shall be awarded under and by virtue of this Act against any person or persons described in the indictment as being lately conversant in any other District of this Province than that in which the said exigent shall be so awarded, a writ of proclamation shall be awarded, and made out of the same Court, or by order of a Judge in vacation, having day of test and return as the writ of exigent shall have, and shall be directed and delivered to the Sheriff of the District in which the person or persons indicted shall in the said indictment be described as having lately been conversant, which writ of proclamation may be in the following form :

George the Third, &c. &c. &c.

To the Sheriff of the

District, Greeting :

Form of writ of proclamation.

Whereas by a writ we lately commanded our Sheriff of the District of that he should cause A. B. late to be demanded from General Quarter Sessions to General Quarter Sessions, until, according to the Law of this Province, he should be Outlawed if he did not appear, and if he did appear then, that he should take him and cause him to be safely kept so that he might have his body before us on the day of term then next, wheresoever we should then be in Upper Canada, to answer to a certain bill of indictment found against him for therefore we command you that in pursuance of the Act of the Parliament of this Province, passed in the fifty-fifth year of our Reign, you cause the said A. B. to be proclaimed upon three several days according to the form of the said Statute, that he render himself to our Sheriff of so that he may have his body before us at the time aforesaid, wheresoever we shall then be in Upper Canada, to answer to the said indictment, and have there then this writ.

Witness, the Honorable

at York, this

day

day of **in the** **year of our Reign.**

And that the Sheriff to whom the said writ of proclamation shall issue, shall at three successive Courts of General Quarter Sessions of the Peace before the return of the said writ in open Court, on the first day of the said Court, make or cause to be made proclamation of all and every the persons named in the said writ of proclamation, according to the command of the said writ.

Sheriff at three successive courts of general quarter Sessions before the return of the writ, to make proclamation according to the command of the said writ.

VIII. *And be it further enacted by the authority aforesaid, That when the said writ of proclamation shall have been executed as aforesaid, the Sheriff to whom the same shall be directed, shall indorse thereon a return in the following form :—*

• When the writ of proclamation shall have been executed, the sheriff shall return the same.

"By virtue of the within writ to me directed, I caused the within named A. B. to be proclaimed three several days according to the effect of the within mentioned Statute, as it is within commanded me.

Form of return.

The answer of

C. D. Sheriff."

IX. *And be it further enacted by the authority aforesaid,* That after the return of the said writ of exigent, and of the writ of proclamation when required to be issued in manner aforesaid, the person or persons against whom the same shall have issued, shall in default of appearance, incur and suffer the same forfeiture and disabilities, and the like process shall be had thereupon as in cases of Outlawry for the same offences, by the Criminal Law of England, as it stood on the seventeenth day of September, in the year of our Lord one thousand seven hundred and ninety-two.

After the return of the exigent and proclamation, the person or persons against whom they shall have issued, shall in default of appearance, incur the same forfeiture, &c. as in cases of outlawry by the law of England as it stood 17th Sept. 1792.

X. And whereas, by reason of the disturbed state of this Province, and the want in some cases of General Courts of Quarter Sessions of the Peace being held, as heretofore, it may have been impracticable to proceed regularly to Outlawry in all such cases as may have arisen. *Be it therefore further enacted by the authority aforesaid,* That in all cases where the Sheriff has made to the first writ of capias to him directed, the usual return of "non est inventus," upon which a second capias ought to issue; and also in all cases where writs of exigent have been awarded; but have not yet been issued or acted upon by reason of the difficulties above recited, it shall and may be lawful to continue the proceedings therein, according to the provisions of this Act as if no lapse of time had intervened since the last proceedings in any such case, and to prosecute the parties to Outlawry in like manner as if the capias had been returned according to this Act, or the exigent had been awarded immediately before the next proceeding that shall be had therein, and that no chasm of time before the continuance of such proceedings in the cases before mentioned, shall be deemed in Law a discontinuance, or shall vitiate or render null the process to Outlawry therein, any Law to the contrary notwithstanding.

In all cases where the sheriff has made to the first writ of capias, the usual return of "non est inventus" upon which a second writ of capias ought to issue, and in all cases where writs of exigent have been awarded but have not yet been issued, it shall be lawful to continue the proceedings according to the provisions of this act, as if no lapse of time had intervened.

No chasm of time before the continuance of such proceedings, to be deemed a discontinuance.

XI. *And be it further enacted by the authority aforesaid, That this Act shall continue and remain in force for and during the term of two years, and from thence to the end of the next ensuing Session of Parliament, and no longer.*

Continuance of this
act.

Continued by 66:4
Geo. III. c 11.

C H A P. III.

An Act to afford relief to BARRISTERS and ATTORNIES, and to provide for the admission of LAW STUDENTS within this Province, and for other purposes therein mentioned.

[Passed 14th March, 1815.]

Preamble.

WHEREAS the glorious and honorable defence of this Province in the war with the United States of America, hath necessarily called from their usual occupations and professions most of the inhabitants of the said Province, and amongst them very many Barristers, Students at Law, Attornies and Articled Clerks of Attornies within the same, whereby the regular meetings of the Benchers of the Law Society of the said Province being for many terms past interrupted, several young gentlemen have been prevented from making due application for admission on the books of the said Society as Students at Law, and several Students at Law have in like manner been prevented from being duly called to the Bar of the said Province, to their manifest and great injury: And whereas to obviate this evil as far as they then could, at a meeting of the said Law Society held as of Hilary Term, in the fifty-fifth year of His present Majesty's Reign, the Benchers of the said Law Society did enter upon their books the names of several persons who had been prevented in manner aforesaid, from obtaining their due admission as Students and Barristers as aforesaid, therefore to remove all doubts as to the legality of such entry or entries, Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all those persons whose names are now entered upon the books of the Law Society, as Students at Law and Barristers, shall be deemed and held to be legally and regularly entered on the said books, and are hereby declared to be Students at Law and Barristers within this Province, and of such standing as to time, as is now allowed by each respectively upon the books of the Society.

All those persons whose names are entered upon the books of the law society as students at law and barristers, shall be deemed legally entered on the said books.

It shall be lawful for the benchers of the law society in Michaelmas term next, to make a further entry of the names of other students or barristers. And all such persons so entered in Michaelmas term, shall be held to be legally entered.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Benchers of the said Law Society, or a quorum thereof, in Michaelmas term next, to make a further entry upon the books of the said Society, of the names of other Students or Barristers who may have been and still continue to be prevented by the causes aforesaid, from making their proper application in due time for their respective admissions, and that all such persons so to be entered upon the said books in Michaelmas term next, shall be held to be legally and regularly entered on the said books

books, and shall in like manner be considered and held as to term and degree, as Students and Barristers, according to the tenor of such entry so to be made in Michaelmas term next as aforesaid: *Provided*, That nothing herein contained shall be construed to be compulsory upon the said Society to make such admissions, but that the same and every of them to be made by virtue of this Act, shall be so entered and made only upon the approbation and unanimous vote of a legal quorum of the said Benchers.

Nothing herein contained to be compulsory upon the said society to make such admissions.

III. *And be it further enacted by the authority aforesaid*, That all those persons whose names are now entered upon the Rolls of the Court of King's Bench, as Attornies thereof, and who have by military or other public duty, been interrupted in their regular service, limited in their respective articles of clerkship, are hereby declared to be regularly entered and admitted as such Attornies, any defect in such entry or entries as to the time of service, notwithstanding.

All persons now entered upon the rolls of the Court of K. B. as Attornies, &c. are declared to be regularly entered.

IV. *And be it further enacted by the authority aforesaid*, That in all future admissions of Attornies' Clerks, who have been bona fide articulated as such, before the passing of this Act, and who for any portion or portions of time; within the period limited in their respective articles of clerkship, have been withdrawn from the service of their masters, by any military or any civil or public duty, or by any other matter, cause or circumstance occasioned by the war, and preventing such regular service, it shall and may be lawful for the Court of King's Bench to admit such articulated Clerks to be Attornies of the said Court at the end of five years from the date of their respective indentures, without the usual affidavit of service, and that all such Attornies so to be entered, shall be considered and held as Attornies of the said Court, legally admitted, any defect by reason of interrupted service for the causes aforesaid notwithstanding.

In all future admissions of attornies clerks who have been articulated as such, before the passing of this act, and who for any portion of time during their clerkship, have been withdrawn from the service of their masters, by any military or civil duty, &c.

To be admitted without the usual oath of service.

C H A P. IV.

An Act for granting a COMPENSATION to THOMAS MERRITT, Esquire, Sheriff of the District of Niagara, for Certain Extraordinary Services performed by him:

[*Private.*]

C H A P. V.

51st Geo. III. c. 8.

An Act to continue and amend an Act passed in the fifty-first year of His Majesty's Reign, intituled, "*An Act to repeal an Act passed in the forty-seventh year of His Majesty's Reign, intituled, 'An Act to repeal the several Acts now in force in this Province relative to RATES and ASSESSMENTS, and also to particularize the Property Real and Personal, which during the continuance thereof, shall be subject to Rates and Assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed, and to make further provision for the same.'*"

[Passed 14th March, 1815.]

Preamble.

WHEREAS an Act of the Parliament of this Province, passed in the fifty-first year of His Majesty's Reign, intituled, "An Act to repeal an Act passed in the forty-seventh year of His Majesty's Reign, intituled, 'An Act to repeal the several Acts now in force in this Province relative to Rates and Assessments, and also to particularize the Property real and personal which during the continuance thereof shall be subject to Rates and Assessments, and fixing the several valuations at which each and every particular of such Property shall be Rated and Assessed, and to make further provision for the same,'" will soon expire: And whereas it is expedient that the same should be amended and continued, Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, that the said Act of the Parliament of this Province, passed in the fifty-first year of His Majesty's Reign, excepting as is herein after provided for, shall be and the same is hereby continued.

An Act of the Parliament of this Province, passed in the 51st Geo. III. relative to Rates and Assessments continued.

So much of said Act as directs town lots, &c. to be rated, and mill-stones, repealed.

II. *And be it further enacted by the authority aforesaid, That so much of the said recited Act as directs Town Lots in the Towns of Niagara, Queenston and Sandwich to be Rated and Assessed, and also as directs additional pairs of mill stones to be valued at fifty pounds, and also as directs the payment of fees to the Clerks of the Peace, be and the same is hereby repealed.*

Every additional pair of mill-stones, to be valued at £200.

III. *And be it further enacted by the authority aforesaid, That every additional pair of mill stones wrought by water shall be valued and Assessed at the sum of two hundred pounds.*

After the 1st March, 1816, the 3d clause of the said recited act repealed.

IV. *And be it further enacted by the authority aforesaid, That from and after the first day of March, which will be in the year of our Lord one thousand eight hundred and sixteen, the third clause of the said recited Act of the*

the Parliament of this Province, passed in the fifty-first year of His Majesty's Reign, be and the same is hereby repealed.

V. *And be it further enacted by the authority aforesaid*, That from and after the said first day of March one thousand eight hundred and sixteen, the persons nominated and chosen as Assessors in each and every Parish, Township, reputed Township or Place, shall during the continuance of this Act, have power and authority, and they are hereby authorized, empowered and required to demand and receive of and from each and every ratable inhabitant resident within the Parish, Township or Place for which they shall be so nominated and chosen, a list of all the Ratable Property, real and personal in his, her or their possession in the Province, which said list shall be taken annually during the continuance of this Act, between the first Monday in March and the sitting of the Quarter Sessions of the Peace then next ensuing, and which list shall particularly specify the District in which such real property as aforesaid shall be situated, and the said Assessors shall make a return of all the Ratable Inhabitants, together with a true list of their Ratable Property as aforesaid, and shall include their own Ratable Property therein, at the foot of which they shall subscribe their names, and after putting up a copy thereof in some public and conspicuous place in the Township in which the same shall be made, shall return the same to the Clerk of the Peace, to be laid before the said Court of Quarter Sessions.

After the 1st March, 1816, the assessors in each township authorised to demand from each inhabitant a list of all the rateable property in his possession.

List to be taken annually, and to specify the district in which his real property is situated.

Assessors to subscribe their names to the list and put a copy thereof in some public place in the township, and return the same to the clerk of the peace.

VI. *And be it further enacted by the authority aforesaid*, That the Clerk of the Peace shall be entitled to ask, and the Treasurer is hereby required to pay him, thirty shillings lawful money on each Assessment Roll by the said Clerk appointed & transmitted to the Collectors of their respective Districts.

Clerk of the peace entitled to 30 shillings on each Assessment roll.

VII. *And be it further enacted by the authority aforesaid*, That from and after the first day of March one thousand eight hundred and sixteen, as aforesaid, the Clerk of the Peace for each and every District as aforesaid, shall from the several Assessments make up a separate schedule, agreeable to the annexed form, of the Real Property returned from each and every District as aforesaid, specifying the name of each and every Ratable Inhabitant as aforesaid, a certified copy of which he shall and he is hereby required to transmit to the Clerk of the Peace for the District in which the said Real Property shall be situated, and that the Clerk of the Peace in each and every District of this Province, shall cause a copy of the schedules so transmitted to them, to be sent to the Treasurer of the said District.

After the 1st March, 1816, the clerk of the peace shall, from the several assessments make up a separate schedule of the real property, agreeable to the form prescribed, and transmit a copy to the clerk of the peace for the district in which the real property shall be situated.

VIII. *And be it further enacted by the authority aforesaid*, That from and after the first day of March, one thousand eight hundred and sixteen, as aforesaid, for the extra duties imposed by this Act, the Clerk of the Peace, the Treasurer, the Assessor in each and every District of this Province shall and may receive for the same the following fees:—

Fees to the clerk of the peace, assessor and treasurer.

To the Clerk of the Peace, thirty shillings for each list.

To the Assessor, two pounds per cent.

To the Treasurer, one pound per cent.

After the 1st March, 1816, the treasurer of each district shall make out a statement of the sums levied of real property not within the limits of their district, to be laid before the magistrates of the district in quarter sessions, which sums the magistrates are to order to be paid to the treasurer of the district, wherein such real property shall be situated.

IX. *And be it further enacted by the authority aforesaid,* That from and after the first day of March, one thousand eight hundred and sixteen as aforesaid, the Treasurer of each and every District as aforesaid, shall make out a statement of the sums levied under the authority of their respective Assessments on Real Property not within the limits of their respective Districts, to be laid before the Magistrates in Quarter Sessions, which said sums of money respectively, the Magistrates in Quarter Sessions shall, and they are hereby required to order to be paid, deducting the expense of assessment, collection and allowance to the Treasurer and Clerk of the Peace, to the Treasurer or his duly authorized Agent of the District wherein such Real Property as aforesaid shall be situated.

Continuance of this act.

(See 51st Geo. III. c. 8.)
(See 50th Geo. III. 2d Session.)

X. *And be it further enacted by the authority aforesaid,* That from and after the first day of March, one thousand eight hundred and sixteen as aforesaid, this Act shall be and continue in force for and during the term of four years, and from thence to the end of the then next ensuing Session of Parliament.

Form of an Assessment for the Township of

for the Year

NAMES.	ACRES OF LAND.										HOUSES.										MILLS.		Assessment. £ s. d.	Rate per pound.	Valuation. £ s. d.																																																																																																																																																																																																																																																																																																																																																																																																																					
	Eastern District.	District of Jobstown.	Midland District.	District of Newcastle.	Home District.	Niagara District.	District of Niagara.	District of London.	Western District.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.				Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	Arable, Pasture, or Meadow.	Unutilized.	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C H A P. VI.

An Act to explain and amend an Act passed in the fifty-third year of His Majesty's Reign, intituled "An Act to provide for the maintenance of PERSONS DISABLED, and the WIDOWS and CHILDREN of such persons as may be killed in His Majesty's Service."

[Passed 14th March, 1815.]

Preamble.

53d Geo. III. c. 4.

The third clause of the act passed in the 53d year of His Majesty's reign, "for the maintenance of persons disabled, and the widows and children of such persons," repealed.

And the said recited act (except the third clause) to take effect from the 17th June, 1812.

Such persons as have under the 3d clause received £12 : 10s entitled to receive the further sum of £7 : 10s. (See 56th Geo. III. c. 17, & 57th c. 5.)

WHEREAS an Act passed in the Parliament of this Province, in the fifty-third year of His Majesty's Reign, intituled "An Act to provide for the maintenance of Persons disabled, and the Widows and Children of such Persons as may be killed in His Majesty's Service" which it is found expedient to alter and amend: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That the third clause of the above recited Act be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid, That every clause, matter and thing in the said recited Act, except the third clause which is hereby repealed, shall take effect from the seventeenth day of June, in the year of our Lord one thousand eight hundred and twelve.*

III. *And be it further enacted by the authority aforesaid, That all and every person or persons who may under and by virtue of the third clause of the aforesaid Act of the fifty-third year of His Majesty's Reign, have received the yearly sum of twelve pounds ten shillings, shall be entitled to receive the further sum of seven pounds ten shillings, yearly.*

C H A P. VII.

An Act to exonerate ISAAC SWAYZE, Esquire, from the payment of certain Monies there mentioned.

[Private.]

C H A P. VIII.

An Act to provide for the Rebuilding and Repair of certain GAOLS and COURT-HOUSES in this Province.

£6500 appropriated for building gaols in the Niagara, London, and Western districts, viz:
 £2000 Western District.
 £2000 London District.
 £2000 District of Niagara.
 £500 District of New-castle.
 (See 32d Geo. III. c. 8, &c.)

C H A P. IX.

An Act to amend an Act, intituled "An Act to remove doubts with respect to the authority under which the COURTS of GENERAL QUARTER SESSIONS of the PEACE, and other COURTS, have been erected and holden, and other matters relative to the administration of Justice, done in the several Districts of this Province, and also to fix the time of holding the Courts of General Quarter Sessions of the Peace in and for the same."

[Passed 14th March, 1815.]

WHEREAS the provisions of an Act of the Parliament of this Province, passed in the forty-first year of His Majesty's Reign, intituled "An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace and other Courts have been erected and holden, and other matters relative to the administration of Justice, done in the several Districts of this Province, and also to fix the time of holding the Courts of General Quarter Sessions of the Peace in and for the same." have not been found applicable to the present situation of this Province; and whereas it is expedient to make further and more effectual provision for the same: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That whenever any District in this Province shall be actually invaded by the enemy, or it shall be found impracticable from any other cause to assemble the Court of General Quarter Sessions of the Peace, at the place especially designated by Law for that purpose, it shall and may be lawful for the Magistrates in a Special Session, to be convened for that purpose by the Chairman of the Quarter Sessions of such District, to issue their precept to the Sheriff, to summon the Jurors for the Court of General Quarter Sessions, to assemble in such part or place in the said District, as they may consider best adapted to the conveniency of the public, and to the furtherance of public Justice: *Provided always*, That the next General Quarter Sessions of the Peace held in the District of Niagara,

Preamble.

41st Geo. III. c. 6.

If any district in this Province shall be invaded, or it shall be impracticable from any other cause, to assemble the Court of Qr. Sessions at the place designated by law, it shall be lawful to assemble in such other place as may be considered best adapted.

The next General Qr. Sess. in the district of Niagara, to be holden at the 40 Mile Creek.

Niagara, shall be begun and holden at the Forty-Mile-Creek, in the Township of Grimsby, at the time appointed by Law for that purpose, any Law or usage to the contrary notwithstanding.

Nothing herein contained to alter the places where the Courts of Justice are now holden for the Midland District.

II. *And be it further enacted by the authority aforesaid,* That nothing in this Act shall extend, or be construed to extend, to alter or vary the places where the Courts of Justice are now holden in and for the Midland District.

District Court to be holden at the place appropriated for holding the Qr. Sessions.

(See 33d Geo. III. c 6.)

III. *And be it further enacted by the authority aforesaid,* That in each and every District of this Province, in which the place for holding the Quarter Sessions of the Peace for such District shall be changed, under and by virtue of this Act, the District Court in such District, shall be held at the place so appointed for holding the said Quarter Sessions.

C H A P. X.

An Act to Licence Practitioners in PHYSIC and SURGERY throughout this Province.

[Repealed by 59 Geo. III. c 13.]

C H A P. XI.

An Act granting relief to certain INSPECTORS OF DISTRICTS within this Province.

[Temporary.]

C H A P. XII.

An Act to provide for the ACCOMMODATION of the PROVINCIAL LEGISLATURE at its next Session.

[Temporary.]

C H A P. XIII.

An Act granting to His Majesty a certain SUM of MONEY for the uses of the INCORPORATED MILITIA of this Province, and other purposes therein mentioned.

£8000 granted viz :
£5883 6s. 8d. to be
applied as follows :

To the officers, non-commissioned officers and privates of the Incorporated Militia, six months pay, £4594 15s 2d.

To the officers, and non-commissioned officers of the line attached to the Incorporated Militia, the nett pay of their respective ranks in the said corps £1000.

To the officers and non-commissioned officers and privates of the Incorporated Militia Artillery, 6 months pay £288 11s. 6d.

To the Speaker of the House of Assembly to purchase a sword to be presented to Col. Robinson, late of the Incorporated Militia, 100 guineas.

C H A P. XIV.

An Act for applying a CERTAIN SUM of MONEY therein mentioned, to make good certain Monies advanced by His Majesty, through His Honor the President, in pursuance of several Addresses of this House.

£111:7:2.

C H A P. XV.

An Act to provide for the erection of a MONUMENT to the Memory of the late President Major-General SIR ISAAC BROCK.

[Passed 14th March, 1815.]

MOST GRACIOUS SOVEREIGN,

WHEREAS at the Declaration of War by the United States of America against Great Britain, the Government of this Province was administered with great uprightness and ability by the late Major General Sir Isaac Brock : and whereas by the wisdom of his councils, the energy of his character, and the vigor with which he carried all his plans into effect, the inhabitants of this Province, at a time when the country was almost destitute of regular troops, were inspired with the fullest confidence in him and in themselves, and were thereby induced most cordially to unite with
and

Preamble.

and follow him in every operation which he undertook for their defence; and whereas after having atchieved the most brilliant success and performed the most splendid actions, that truly illustrious Commander, contending at the head of a small body of regular troops and militia, against a very superior force of the enemy, devoted his most valuable life; and whereas the inhabitants of this Province reverencing his character, feel it a tribute due to his memory to express the same by a public and lasting testimonial.—We your Majesty's most dutiful and loyal subjects the Commons of this Province, in Parliament assembled, beseech your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of one thousand pounds, to be issued out of the funds now remaining or hereafter to come into the hands of the Receiver General, unappropriated, which said sum of one thousand pounds shall be disposed of, appropriated, and applied, by the Commissioners herein after named, for the constructing and erecting at Queenston, near where he fell, or such spot as may be agreed upon by the Commissioners herein after to be appointed, a Monument to the memory of the said Major General Sir Isaac Brock.

£1000 granted for the constructing a monument to the memory of Major General Sir Isaac Brock.

How to be accounted for.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, to nominate and appoint Thomas Dickson, Esquire, Thomas Clark, Esquire, and Robert Nichol, Esquire, Commissioners, for carrying the provisions of this Act into effect, and that the monies hereby granted, shall be paid by the Receiver General to any one of the said Commissioners, in discharge of such warrant or warrants as shall be issued by the Governor, Lieutenant Governor, or Person administering the Government, and be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to appoint.

C H A P. XVI.

An Act to repeal part of, and to amend an Act of the Parliament of this Province, passed in the forty-first year of His Majesty's Reign, intituled, "*An Act to remove doubts with respect to the authority under which the COURTS of GENERAL QUARTER SESSIONS of the PEACE, and other COURTS have been erected and holden, and other matters relative to the Administration of Justice, done in the several Districts of this Province, and also to fix the time of holding the Courts of General Quarter Sessions of the Peace in and for the same,*" and to make further provision for the same.

41st Geo. III. c. 6.

[Passed 14th March, 1815.]

WHEREAS, it is no longer expedient to hold the Courts of General Quarter Sessions of the Peace, and other Courts in and for the London District, in the Town of Charlotteville, as by Law established; and whereas it is necessary to designate some other place within the said District, in which to assemble and hold the said Courts, Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Québec, in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That so much of an Act of the Parliament of this Province, passed in the forty-first year of His Majesty's Reign, intituled, "*An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace and other Courts have been erected and holden, and other matters relative to the Administration of Justice, done in the several Districts of this Province, and also to fix the time of holding the General Quarter Sessions of the Peace in and for the same,*" as enacts that the said Courts of General Quarter Sessions of the Peace, in and for the District of London, shall be holden in the Town of Charlotteville, be and the same is hereby repealed.

Preamble.

So much of the act passed in the 41st year of His Majesty's reign, intituled, "*An act to remove doubts with respect to the authority under which the Courts of Gen. Qr. Sess. have been holden as enacts, that the sessions for the district of London, shall be holden at Charlotteville, repealed.*"

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the said Courts of General Quarter Sessions of the Peace and the District Courts in and for the said District, shall be holden and assembled at the most convenient place in the immediate vicinity of Tisdale's Mills, in the Township of Charlotteville, in the said District; and that the Magistrates at the next ensuing Quarter Sessions of the Peace, to be holden in and for the said District, shall be, and they are hereby authorised to make choice of the place in the vicinity of the said Mills in Charlotteville, as aforesaid, whereon to erect the Gaol and Court-House for the said District: *Provided,* That nothing in this Act contained shall extend or be construed to extend to authorize the said Justices of the Peace to fix the place for building the said Gaol and Court-House on any Reserve of the Crown or Clergy, or on land belonging to any person or persons, without permission

Quarter Sessions and District Courts to be holden in future in the vicinity of Tisdale's mills.

Magistrates authorised to make choice of the place; but not to fix on any reserve of the Crown, without permission from the Governor, &c.

permission first obtained from the Governor, Lieutenant Governor, or Person administering the Government, or from the owner or owners of said land.

C H A P. XVII.

An Act to grant a sum of MONEY to His Majesty to enable the Honorable James Baby to pay for a certain quantity of HEMP delivered to him as Commissioner for the purchase of Hemp in the Western District of this Province.

£400.

C H A P. XVIII.

An Act to Incorporate the MIDLAND DISTRICT SCHOOL SOCIETY.

[Passed 14th March, 1815.]

Preamble.

Recting that funds had been collected and a society formed in England, to promote the education of the poor.

That a subscription had been entered into in Kingston, in furtherance of the plan.

WHEREAS, funds have been collected and a Society lately formed in England, designated, "The Committee for promoting the Education of the Poor in Upper and Lower Canada," the object of which Society is to promote the education and moral improvement of the poor, of every religious denomination, in Canada; and whereas in furtherance of the wishes of that institution, a subscription has been entered into at Kingston, in the Midland District of this Province, to assist in carrying into effect their benevolent intentions with regard to this Province; and it is apprehended that if countenanced and supported by the Laws of this Province, and established upon a permanent footing, and vested with powers for better enabling the subscribers thereto to carry into execution their charitable and useful designs, such an institution would be of extensive use, and of great benefit and advantage to the public; and whereas, the purposes aforesaid cannot be effected without the aid of the Legislature, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That on the first day of May, now next ensuing, there shall be held a meeting of the subscribers for the purposes aforesaid, in the Town of Kingston, in the Midland District aforesaid, at which meeting a President, Secretary, Treasurer, and six Trustees, any four of whom, with the President, shall be a quorum, for transacting business,

It is enacted, that a meeting of subscribers should be held on the 1st May.

President, Secretary, Treasurer, and 6 Trustees, any four of whom

ness, shall be chosen from among the subscribers, by a majority of the subscribers, then there present, and regulation shall be also then and there made respecting the length of times the said Officers and Trustees shall continue in office, and also respecting the election or nomination for the future, of such President, Secretary, Treasurer, and Trustees.

with the President, shall be a quorum, to be chosen.

Regulations to be made.

II. *And be it further enacted by the authority aforesaid*, That the President, Secretary, Treasurer, and Trustees, for the time being, and their successors, so to be nominated and appointed, shall be and they are hereby declared to be one Body Corporate and Politic, in deed and in Law, by the name of "The Midland District School Society," and shall have perpetual succession, and a common seal, with power to change, alter, break, or make new the same, and they and their successors, by the name aforesaid, may sue and be sued, implead and be impleaded, answer and be answered unto, in all or any Court or Courts of Record and Places of Jurisdiction within this Province, and that they and their successors by the name aforesaid, shall be able and capable in Law to have, hold, receive, enjoy, possess, and retain for the end and purposes of this Act, and in trust and for the benefit of the said Society of the Midland District, all such sum and sums of money as have been had or given, or shall at any time or times hereafter be paid, given, devised, or bequeathed, by any person or persons, to and for the benevolent ends and purposes in this Act mentioned; and that they and their successors, by the name aforesaid, shall and may, at any time hereafter, without any licence or mortmain purchase, take, receive, have, hold, possess, and enjoy, any lands, tenements, or hereditaments, or any estate or interest derived or arising out of any lands, tenements, or hereditaments, for the purposes of the said Society, and for no other purposes whatsoever, and may also, in the same manner sell, grant, demise, alien, or dispose of the same, and do or execute all and singular other matters and things that to them shall or may appertain to do.

Body corporate.

To be capable of holding lands, money, &c. in trust and for the benefit of the society.

And to sell or demise the same, and do all other things that to them may appertain to do.

III. *And be it further enacted by the authority aforesaid*, That the said President and Trustees, so to be nominated and appointed, as aforesaid, and their successors, shall have full power and authority to lease such real estate and hereditaments on such terms as they shall judge most beneficial, and also to dispose of all such personal estate, at their will and pleasure, as shall appear to them most advantageous for promoting the benevolent purposes of the said institution.

President and Trustees empowered to lease real estates and dispose of all personal estates as shall appear most advantageous.

IV. *And be it further enacted by the authority aforesaid*, That no person who is not a natural born subject of His Majesty, or a subject naturalized by Act of the British Parliament, or a subject of His Majesty, having become so by the conquest and cession of the Province of Canada, shall be capable of being a Trustee or Teacher of the said School.

No persons but subjects of His Majesty, can be Trustees or Teachers.

STATUTES
OF
UPPER-CANADA,

PASSED IN THE FIFTH SESSION OF THE SIXTH PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE SIXTH DAY OF FEBRUARY, AND PROROGUED ON THE FIRST
DAY OF APRIL FOLLOWING, IN THE FIFTY-SIXTH YEAR
OF THE REIGN OF GEORGE IV.

FRANCIS GORE, ESQUIRE, PRESIDENT.

ANNO DOMINI 1816.

C H A P. I.

An Act to alter the time of holding the COURTS of GENERAL QUARTER SESSIONS of the
PEACE, in the LONDON and JOHNSTOWN DISTRICTS of this Province.

[*Passed 22d March, 1816.*]

Preamble.

WHEREAS, the Provisions of an Act of the Parliament of this Province, passed in the forty-first year of His Majesty's Reign, entitled, "An Act to remove doubts with respect to the authority under which the Courts of General Quarter Sessions of the Peace and other Courts have been erected and holden, and other matters relative to the Administration of Justice, done in the several Districts of this Province, and also to fix the times of holding the Courts of General Quarter Sessions of the Peace in and for the same," have not been found generally beneficial; Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled,

intituled; 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That so much of the second clause of the said Act as enacts that the said Court of General Quarter Sessions of the Peace, for the District of London, shall be holden on the second Tuesday in the months of March, June, September, and December, and for the District of Johnstown, on the third Tuesday in the months of February and May and on the second Tuesday in the months of July and October, be, and the same is hereby repealed.

So much of the 2d clause of the 41st of the King as enacts that the Court of General Quarter Sessions for the District of London, shall be holden on the 2d Tuesdays in the months of March, June, September and December, and for the District of Johnstown on the 3d Tuesday in February and May, and on the 2d Tuesday in July & October repealed.

II. And be it further enacted by the authority aforesaid, That the said Courts of General Quarter Sessions of the Peace, shall be holden in the said London and Johnstown Districts, (a) at the places specially designated by Law for that purpose, at the following periods—viz. on the second Tuesday in the months of January, April, July, and October, *Provided always*, and that this Act shall not take effect until the first day of July next.

The said Courts of General Quarter Sessions of the Peace shall be holden in the London & Johnstown Districts, at the places specially designated by Law at the following periods.

viz. on the 2d Tuesday in Jan. April, July, and October.

This Act not to take effect till 1st July next.

(a) As to Johnstown District, see 68 Geo. III. c 2, s 1.

C H A P. II.

An Act to repeal part of an Act of the Parliament of this Province, passed in the thirty-eighth year of His Majesty's Reign, intituled, "*An Act for the better division of this Province*," and more effectually to provide for the administration of Justice by constituting the Counties of PRESCOTT and RUSSELL, under certain modifications, a SEPARATE DISTRICT.

38 Geo. III. c 8.

[Passed 22d March, 1816.]

WHEREAS, from the great extent of the Eastern District of this Province, the inhabitants of the Counties of Prescott and Russell, in the said District, experience much inconvenience in attending His Majesty's Courts of Justice at present established; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, "An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That from and after the passing of this Act, so much of an Act, passed in the thirty-eighth year of His Majesty's Reign, entitled, "An Act for the better division of this Province," as directs that the Counties of Russell and Prescott, shall form part of the Eastern District shall be repealed, and the same is hereby repealed accordingly.

Preamble.

So much of the 38th George 3d as directs, that the Counties of Prescott and Russell shall form part of the Eastern District repealed.

II.

A new District to consist of the Counties of Prescott and Russell to be called the District of Ottawa.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, there shall be formed, constituted, and established, a new District, to consist of the said Counties of Prescott and Russell, to be called the District of Ottawa, and the said District shall enjoy all the privileges and be subject to the same Laws, Rules, and Regulations, as any other District in this Province enjoys, except as is hereinafter provided.

The Justices to sit upon a proper place within the Dist. where a Gaol & Court House may be built.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the Justices of the Peace, to be appointed in and for the District of Ottawa, to fix upon some fit and proper place, within the said District, where a Gaol and Court-House may be built, in the same manner, and subject to the same rules and regulations as the Gaols and Court Houses are directed by Law to be built in other Districts in this Province, *Provided* That nothing in this Act shall extend or be construed to extend to authorize the said Justices of the Peace to fix the place for building the said Gaol and Court-House on any Reserve of the Crown or Clergy, or on any Land belonging to any person or persons without permission first obtained from the Government or from the owner of said Land; and *Provided also,* That until such time as the said Gaol and Court-House, in and for the District of Ottawa, shall have been erected and built, whether out of the fund produced by the District assessments and rates, or otherwise, that it shall and may be lawful for the majority of His Majesty's Justices of the Peace for the said District of Ottawa, to appoint some place therein for the holding of the Courts of General Quarter Sessions of the Peace, and of all other Courts authorized to be held by virtue of this Act.

The Gaol and Court House not to be built, on any Crown or Clergy Reserves, &c. without permission first obtained.

The Majority of the Justices of the Peace to appoint some place for the holding of the Courts of General Quarter Sessions, &c.

Times for the commencement of the Courts of Genl. Quarter Sessions of the Peace.

IV. And be it further enacted by the authority aforesaid, That the Courts of General Quarter Sessions of the Peace in and for the District of Ottawa, shall commence on the second Tuesdays in the months of January and April, and on the fourth Tuesdays in the months of June and September.

Causes to which this Act does not extend.

V. And be it enacted by the authority aforesaid, That nothing in this Act contained shall extend or be construed to extend to affect the jurisdiction of His Majesty's Court of King's Bench in this Province, or to make it necessary or lawful to issue any Commissions of Oyer and Terminer and General Gaol Delivery, or Commissions of Assize and Nisi Prius, for the said District of Ottawa, or to authorize any of the Officers to be appointed in the said District, to, in any wise, interfere in any of the proceedings of the said Courts, but that all actions that shall have been, or may hereafter be commenced in either of the said Courts, shall and may be tried at the Courts of Assize and Nisi Prius and General Gaol Delivery for the Eastern District, in the same manner as if this Act had never been made, any thing herein contained to the contrary notwithstanding.

The Sheriff of the Eastern Dist. to have full power to summon Jurors, and perform all services in said Dist. of Ottawa—that relate

VI. And be it further enacted by the authority aforesaid, That notwithstanding the appointment of a Sheriff in and for the said District of Ottawa, the Sheriff of the Eastern District shall have full power to summon Jurors in the said District of Ottawa, and perform all other services in the said District

District of Ottawa, that appertain or relate to the Courts of Oyer and Terminer, and General Gaol Delivery, and Courts of Assize and Nisi Prius, to be holden in the said Eastern District, any Law or usage to the contrary notwithstanding.

to the Courts of Oyer and Terminer and General Gaol Delivery.

VII. *And be it further enacted by the authority aforesaid,* That whenever one or more prisoner or prisoners shall be committed to Gaol in the said District of Ottawa for any felony or other crime too high in its nature to be tried before the Court of General Quarter Sessions of the Peace in the said District of Ottawa, such prisoner or prisoners shall be removed from the District of Ottawa, to the common Gaol for the Eastern District, before the then next sitting of the Court of Oyer and Terminer, and General Gaol Delivery, in and for the Eastern District, there to take his, her, or their trial, for the offence or offences with which the said prisoner or prisoners may be charged, and the Magistrate or Magistrates, who originally committed such prisoner or prisoners to the Gaol of the District of Ottawa, shall, and he is hereby required, when such prisoner or prisoners are removed, as aforesaid, to transmit to the Sheriff or Gaoler of the Eastern District, the commitments, informations, and other documents, respecting such commitment, which commitment being indorsed by the committing Magistrate, shall be a sufficient authority to the Gaoler of the said Eastern District, to receive such prisoner or prisoners, and from thence shall be responsible for such prisoner or prisoners, until discharged by due course of Law.

Prisoners committed for Felony or other crime too high to be tried before the Quarter Sessions, to be removed to the Eastern District, &c. to be tried and the committing Magistrates to transmit to the Sheriff, &c. the documents respecting such commitments.

VIII. *And be it further enacted by the authority aforesaid,* That the expence of maintenance of such prisoner or prisoners so conveyed from the District of Ottawa to the Eastern District, shall be borne by the District of Ottawa.

Expence of Prisoner to be borne by the District of Ottawa.

IX. *And be it further enacted by the authority aforesaid,* That in all civil actions, brought against defendants in the said District of Ottawa, the first process of the Court of King's Bench, and the writs of execution after judgment, shall be addressed to the Sheriff of the District of Ottawa, whose returns, nevertheless, shall be made to the office of the Deputy Clerk of the Crown in the Eastern District.

Process in Civil Actions, brought against Defendants.

X. *And be it further enacted by the authority aforesaid,* That in all criminal cases, arising in the District of Ottawa, it shall and may be lawful for the Magistrates of the said District of Ottawa, to bind over parties and witnesses to appear at the Court of Oyer and Terminer, in the Eastern District, which shall have the same effect and be equally binding on the persons entering into such recognizances as if duly entered into in the Eastern District.

Power of Magistrates to bind over Witnesses to appear at the Court of Oyer, &c. in the Eastern District.

(See 33d Geo. III. c. 6, 33th c. 6, & 59th c. 10.)

C H A P. III.

An Act to repeal part of, and to amend the Laws now in force for the better COLLECTION of His Majesty's REVENUE in this Province, and to make further and more effectual provision for the same.

[Passed 22d March, 1816.]

MOST GRACIOUS SOVEREIGN,

Preamble.

43 Geo. III. c 9. &
45 Geo. III. c 1.

WHEREAS, the provisions of an Act of the Parliament of this Province, passed in the forty-third year of His Majesty's Reign, entitled "An Act for the better securing to His Majesty, His Heirs and Successors, the due collection and receipt of certain duties therein mentioned," and also of a certain other Act of the Parliament of this Province, passed in the forty-fifth year of His Majesty's Reign, entitled, "An Act for altering the time of issuing Licences for the keeping a House or any other Place of Public Entertainment, or for the Retailing of Wine, Brandy, or any other Spirituous Liquors, or for the having and using of Stills, for the purpose of Distilling Spirituous Liquors," and for repealing so much of an Act passed in the forty-third year of His Majesty's Reign as relates to the periods of paying into the hands of the Receiver General, the monies collected by the Inspector of each and every District throughout this Province for Licences, have not been found fully to answer the intended purposes; And whereas, it has become necessary that more effectual provision be made for the same, We beseech your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the fifth clause of the first recited Act, and also, the fourth clause of the last recited Act, be and the same are hereby repealed.

5th Clause 43d Geo.
2d and the 4th Clause
45th Geo. 2d repealed.

Each Inspector in this Province is required to render within a month after the 5th Jan. in every year during the continuance of this Act, a just account of the monies he may have received.

Such Inspector shall pay such monies unto the Receiver-General, within 2 months thereafter.

II. *And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for each and every Inspector of this Province, and each and every of them is and are hereby required to render, within one month after the fifth day of January, in each and every year during the continuance of this Act, to the Inspector General of this Province, a just, true, and faithful Account, to be verified on Oath, of all monies which he or they shall receive, under and by virtue of any Act of the Parliament of this Province, and such Inspector and Inspectors, as aforesaid, shall also pay or cause to be paid into the hands of the Receiver General of this Province, within two months thereafter, all such monies as he and they shall have so received.*

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful to and for each and every such Inspector as aforesaid, and each and every of them is and are hereby required to transmit to the Inspector General of this Province every three months thereafter, a just, true, and faithful Account, to be verified on Oath, of all such monies as he and they shall collect and receive, under and by virtue of any Act of the Parliament of this Province, and such Inspector and Inspectors shall, in one month subsequent thereto, pay or cause to be paid into the hands of the Receiver General of this Province, all such monies as he and they shall have so received.

Every such Inspector to transmit a true account Quarterly, of all monies he may receive.

And in one month subsequent thereto to pay the same to the Receiver-General.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, and every Inspector is hereby required to furnish quarterly, on the first day of the General Quarter Sessions, to the Clerk of the Peace, an accurate list of all Still, Shop, and Tavern Licences, issued by him during the preceding Quarter, in order that the same may be laid before the Justices in Quarter Sessions, in their respective Districts assembled.

The said Inspectors to furnish on the first day of General Quarter Sessions to the Clerk of the Peace, a List of all Licences issued.

V. *And be it further enacted by the authority aforesaid,* That the Clerk of the Peace, in each and every District within this Province, shall, on or before the first day of May and the twentieth day of February, in each and every year, transmit to the Inspector General of this Province, a certified copy of such lists, as aforesaid, to be laid before the House of Assembly of this Province, for which the said Clerk of the Peace shall be entitled to receive the sum of Two Pounds, to be paid out of the rates and assessments levied, or hereafter to be levied, raised, and collected within such District.

The Clerk of the Peace in each District on the 1st of May and 20th of February in each year, to transmit to the Inspector General, a Certified Copy of such List as aforesaid, for which the said Clerk of the Peace shall receive £2.

VI. *And be it further enacted by the authority aforesaid,* That if any Inspector, as aforesaid, shall neglect to transmit such Account, or pay over to the Receiver General, as aforesaid, such monies so by him received and collected at the different periods, and in such manner as by this Act is required, he shall, for every such neglect, forfeit and pay the sum of One Hundred Pounds, lawful money, to be recovered by any person who shall sue for the same in His Majesty's Court of His Bench, in this Province, by Action of Debt, Bill, Plaint, or Information, wherein no essoin, protection, wager of Law, or more than one Imparlance shall be allowed, one moiety of which sum shall be paid to the person who shall sue for the same, and the other into the hands of the Receiver General of this Province, to the use of the King's Majesty, His Heirs and Successors, for the public uses of this Province, and support of the Government thereof, to be accounted for to His Majesty through the Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

Every Inspector who shall not make the said returns, or pay over the money as aforesaid, shall forfeit 100l.

A Moiety to be paid to the person suing for the same, and the other to the Receiver General.

How to be accounted for.

C H A P. IV.

An Act further to continue an Act passed in the thirty-third year of His Majesty's Reign, entitled, "*An Act to provide for the appointment of RETURNING OFFICERS of the several COUNTIES within this Province.*"

[Passed 22d March, 1816.]

Preamble.

33 Geo. III. c. 12.

The Act of the 33d year of His Majesty's Reign, which provides for the appointment of Returning Officers, in the several Counties of this Province, continued.

This Act to be in force for four years.

WHEREAS, an Act passed in the thirty-third year of His Majesty's Reign, entitled "An Act to provide for the appointment of Returning Officers of the several Counties within this Province," which Act has since been continued by several Laws of this Province which will shortly expire, And whereas, it is found expedient to continue the said Act. Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act of the thirty-third year of His Majesty's Reign, and every part thereof, and every clause, matter, and thing therein contained, are by the present Act continued for and during the space of four years, and no longer.

C H A P. V.

An Act to extend the JURISDICTION of the COURT of REQUESTS.

[Passed 22d March, 1816.]

Preamble.

33 Geo. III. c. 6.

2d Clause of 32d Geo. 3d repealed.

WHEREAS, it will contribute to the conveniency of the inhabitants of this Province to extend the Jurisdiction of the Court of Requests Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the second clause of an Act passed in the thirty-second year of His Majesty's Reign, entitled "An Act for the more easy and speedy recovery of small Debts." shall be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid*, That from and after the first of April next, it shall and may be lawful for every inhabitant within the limits of this Province, who then or thereafter may have any debt or debts owing to him, her or them, not exceeding the sum of Five Pounds, Currency of this Province, by any person or persons whatsoever, inhabiting the said Province, to cause such person or persons to be warned or summoned by a writing under the hand of a Justice of the Peace, acting under and by virtue of His Majesty's commission, to be left with some grown person at the dwelling-house or place of abode of such person or persons, or by service of the same on the person of such debtor, to appear before the Justices of the said Court, and the said Justices, after such summons as aforesaid, shall, upon proof of such summons having been so left or served, at least four days previous to the day of appearance, have full power and authority by virtue of the said Act, to make or cause to be made, such acts, orders, decrees, judgments, and proceedings, between such plaintiff and his, her, or their debtors, defendants, touching such debts not exceeding the sum of Five Pounds, Currency of this Province, in question before them as they shall find consistent with equity and good conscience, and all such acts, orders, decrees, judgments, and proceedings, shall be entered in a book to be kept for that purpose, *Provided always*, That nothing herein contained shall extend or be construed to extend to authorize such Justices as aforesaid, to give any judgment for a larger sum than Forty Shillings, lawful money of this Province, unless the same shall have been previously ascertained by acknowledgement of the defendant in writing or other proof than that of the oath of the prosecutor, and *Provided also*, That nothing in this Act contained shall extend or be construed to extend, to authorize the summoning of any defendant or defendants, before any other Court of Requests within any District or County, other than that which shall be established by the Magistrates in Quarter Sessions as by Law directed, for the division in which such defendant or defendants shall, at the time of issuing such summons be resident.

After 1st April 1816, every Inhabitant having any debt, not exceeding 5l. Currency, due by any person inhabiting this Province, is authorized to cause such person to be summoned by a writing signed by a Magistrate, to be left at the house of such person, or by service of the same on such Debtor, and on proof of the service of that summons the Justices of the Court are authorized to make such Orders, Decrees, &c. as they shall find consistent with Equity, and such orders shall be entered in a book for that purpose;—*Provided* that the said Justices shall not give any Judgment, for a larger sum than 40s. unless the same shall have been approved by the acknowledgment of the Defendant in writing, or other proof than the oath of the Prosecutor.

No Defendant to be summoned before any other Court of Requests than that for the Division in which such Defendant resides.

III. *Provided always, and be it further enacted by the authority aforesaid*, That nothing in this Act contained shall extend or be construed to extend to authorize the holding Plea, in such Court for any debt contracted at a Tavern for spirituous liquors, or for any gambling debt whatever.

No Plea to be holden in said Court for a Debt at a Tavern for Spirituous Liquors, or any Gambling Debts.

IV. *And be it further enacted by the authority aforesaid*, That no writ of execution for seizing and selling effects, shall issue until forty days after judgment has passed, where the sum exceeds forty shillings.

No Execution to issue until 40 days after Judgment if the sum exceeds 40s.
(See 32 Geo. III. c 6.)

C H A P. VI.

An Act to provide for a limited time for the appointment of a PROVINCIAL AID-DE-CAMP, within this Province.

[Expired.]
3 X

C H A P.

C H A P. VII.

An Act for making further and more ample provision for the ADJUTANT GENERAL of the MILITIA of this Province.

[Passed 22d March, 1816.]

Preamble.

Out of the rates and Duties already levied, or hereafter to be levied for the use of this Province, £165 granted to his Majesty to be paid to the Adj. Gen. of Militia in addition to the Salary now allowed by Law.

The said £165 to be payable from the 25th of March A. D. 1816.

The Gov. to issue his Warrant to the Rec. Gen. of this Province for the payment of such Salary as aforesaid half yearly.

The said Rec. Gen. shall account to His Majesty for the same thro' the Lords Comrs. of the Treasury.

This Act to continue in force for four years.

(See 48th Geo. III. c 1, s 6 & c 2.)

WHEREAS, it is expedient to make further and more ample provision for the Adjutant General of the Militia of this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, there be granted annually to His Majesty, His Heirs and Successors, the sum of one hundred and sixty-five pounds, to be paid to the Adjutant General of the Militia of this Province, for the time being, in addition to the salary now allowed by Law, which said sum of one hundred and sixty-five pounds shall commence and be payable from and after the twenty-fifth day of March, one thousand eight hundred and fifteen.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, from time to time, to issue his warrant or warrants to the Receiver General of this Province, for the payment of such salary, as aforesaid, half yearly, and the said Receiver General shall account to His Majesty, His Heirs and Successors, for the same, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

III. *And be it further enacted by the authority aforesaid,* That this Act be and continue in force for and during the term of four years.

C H A P. VIII.

An Act to revive and continue an Act passed in the forty-second year of His Majesty's Reign, entitled, "*An Act to enable the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint one or more ADDITIONAL PORT or PORTS, PLACE or PLACES of ENTRY within this Province, and to appoint one or more COLLECTORS at the same respectively.*"

42 Geo. III. c. 4.
(See 41st Geo. III.
c. 5, & 42d c. 2.)

[Revives and continues 42d Geo. III. c. 4 for four years.]

C H A P. IX.

An Act to provide for the REMUNERATION of the Honorable WILLIAM DUMMER POWELL, Esquire, for certain services rendered to this Province.

£1000 granted to His Majesty
To be appropriated in remunerating The Hon. W. D. Powell for services rendered this Province as Commr. for ascertaining Titles to lands within the same.

C H A P. X.

An Act to repeal part of and to continue and amend an Act passed in the fifty-fourth year of His Majesty's Reign, intituled, "*An Act for granting to His Majesty an additional DUTY on SHOP and TAVERN LICENCES.*"

64 Geo. III. c. 10.
59 Geo. III. c. 2, s. 1.
(See 58 Geo. III. c. 1.)

[Repealed by 59th Geo. III. c. 2, s. 1.]

C H A P. XI.

An Act to continue and amend an Act passed in the fifty-second year of His Majesty's Reign, entitled, "*An Act to prevent DAMAGE to TRAVELLERS on the HIGHWAYS in this Province.*"

[Passed 22d March, 1816.]

WHEREAS, an Act of the Parliament of this Province, passed in the fifty-second year of His Majesty's Reign, entitled, "*An Act to prevent damage to Travellers on the Highways in this Province will shortly expire,*"

Preamble.
52 Geo. III. c. 4, first Session.

expire, and whereas it is found expedient to continue and amend the said Act, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said recited Act of the Parliament of this Province, and every clause, matter and thing therein contained, other than the fourth and sixth clauses thereof hereinafter repealed, is hereby continued and declared to be in full force and effect.

52d Geo. 3d to remain in full force other than the 4th and 6th Clauses.

4th and 6th Clauses of 52d Geo. 3d repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the said fourth and sixth clauses of the said recited Act of the Parliament of this Province, and every matter and thing in such clauses contained shall be repealed, and the same are repealed accordingly.

Penalties how to be paid & accounted for.

III. *And be it further enacted by the authority aforesaid,* That one Moiety of all fines, forfeitures and penalties, levied and collected under and by virtue of such part of the said recited Act as is hereby continued, shall be paid to the person informing, and the other Moiety to the Receiver-General of this Province, on or before the first day of October in each and every year, for the support of the Civil Government thereof; to be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

Continuance of this Act.

IV. *And be it further enacted by the authority aforesaid,* That this Act shall be, and continue to be in force, for and during the term of four years, and from thence to the end of the then next ensuing Session of Parliament and no longer.

C H A P. XII.

An Act granting RELIEF to CATHARINE McLEOD.

[Private.]

C H A P. XIII.

An Act granting RELIEF to CHARLOTTE OVERHOLT.

[Private.]

C H A P. XIV.

An Act to extend the LIMITS of the TOWN of NIAGARA, in the DISTRICT of NIAGARA.

[Passed 22d March, 1816.]

WHEREAS it appears expedient and necessary from various circumstances to extend the Limits of the Town of Niagara, in the District of Niagara, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That all that Tract of Land lying and being situate within the following described boundaries, be and is hereby declared to be the Town of Niagara, videlicet, commencing at Maassessagua Point, thence westerly along Lake Ontario to Crookston, thence along the rear or Town line of Niagara to the Black Swamp Road, thence along the Eastern limit of the Lands of the late Thomas Butler, Esquire, deceased, and the Lands of Garrit Slingerland to the North West angle of the Lands of John Eccleston, thence Easterly to where the Lands of William Dickson, Esquire, and the late Martin M'Lennon, deceased, come in contact, thence East along the Northern Boundary of the Lands of the said Martin M'Lennon, deceased, to the River Niagara, thence Northerly down said Niagara River to the place of beginning.

Preamble.

All that tract of land situate within the following described boundaries is hereby declared to be in the town of Niagara, viz.

Description.

C H A P. XV.

An Act to provide for the CONTINGENT EXPENCES of BOTH HOUSES of PARLIAMENT during the last Session, and for other purposes therein mentioned.

C H A P.

C H A P. XVI.

An Act to afford RELIEF to Persons holding or possessing LANDS, TENEMENTS or HEREDITAMENTS in the DISTRICT of NIAGARA.

[Passed 22d March, 1816.]

Preamble.

WHEREAS, many Deeds, Conveyances, Wills, Mortgages, Leases, and other Mesne Conveyances, affecting certain Lands, Tenements and Hereditaments within the District of Niagara, and the Memorials of other Deeds, Conveyances, Wills, Mortgages, Leases, and other Mesne Conveyances, affecting other Lands, Tenements and Hereditaments within the said District, and also the books wherein such Memorials were enregistered, pursuant to the provisions of an Act passed in the thirty-fifth year of His Majesty's Reign, entitled, "An Act for the public Registering of Deeds, Conveyances, Wills and other Incumbrances which shall be made or may affect any Lands, Tenements and Hereditaments within this Province, were during the late war with the United States of America, taken, burnt, lost or destroyed, to the great damage of His Majesty's liege subjects in this Province, and whereas it is necessary to the peace and quiet of His Majesty's said subjects to the maintaining them on their Estates, Rights and Possessions, and their protection against fraudulent Conveyances of such Lands, Tenements and Hereditaments, That remedy be therefore provided, may it therefore please Your Majesty that it be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the time being, from time to time, and at any time within two years from and after the passing of this Act, to issue one or more Commission or Commissions, under the Great Seal of this Province, directed to any five fit and discreet persons, which said Commissioners, or any three of them, shall have full power and authority to enquire of such Deed, Conveyance, Will, Mortgage, Lease, or other Mesne Incumbrance affecting any Lands, Tenements, or Hereditaments, within the said District, so taken, burnt, lost, or destroyed, as aforesaid, and to take and receive proof and evidence thereof, and thereupon to proceed in manner hereinafter directed.

The Governor, &c. within two years to issue Commission or Commissions to any five persons to enquire of any Deeds, &c. affecting any Lands, &c. within the District of Niagara, and to receive proof thereof.

Persons possessed of any lands, &c. within said District, who have lost the Deed under which he, &c. shall

II. And be it further enacted by the authority aforesaid, That if any person or persons who is or are possessed or seized of and in any Lands, Tenements, or Hereditaments within the said District, who shall, so as aforesaid, have

have lost the Deed, Conveyance, Will, Mortgage, Lease, or other Mesne Conveyance, under which he, she, or they shall claim, and shall thereof make oath or affirm before the said Commissioners or any three of them, which oath or affirmation they are hereby empowered to take and administer, that then and in such case if a Memorial, Record, or Probate of such Deed, Conveyance, Will, Mortgage, Lease, or other Mesne Conveyance, shall be found in the Register Office of the Counties of Lincoln and Haldimand, in the said District, or in the Office of the Register of the Surrogate Court thereof, the party claiming under such Deed, Conveyance, Will, Mortgage, Lease, or other Mesne Conveyance, shall produce an attested copy of such Memorial, Record, or Probate, from the Register of the said Offices respecting to the said Commissioners, which said Commissioners, the same attested copy shall cause to be transcribed, entered, and recorded, in a book or books to be provided in a manner herein after mentioned, and shall on such copy cause to be endorsed a Certificate of such Entry and Record; and such copy so endorsed, or the Entry or Record thereof so made, together with the actual possession of the party claiming under such Deed, Conveyance, Will, Mortgage, Lease, or other Mesne Conveyance, shall be held, deemed, esteemed, and taken in Law to be good evidence of the Title in the party claiming, until better evidence shall appear, *Provided nevertheless*, That when any person or persons shall so as aforesaid, have lost the Deed, Conveyance, Will, Mortgage, Lease, or other Mesne Conveyance, under which he, she, or they may claim any such Lands, Tenements, or Hereditaments, whereof no Memorial, Record, or Probate can be found in such Offices as aforesaid, and the party claiming make oath or affirm before the said Commissioners, or any three of them, which oath or affirmation, they are hereby empowered to administer and take, that the Deed, Conveyance, Will, Mortgage, Lease, or other Mesne Conveyance, under which he, she, or they claim, hath been bona fide lost or destroyed, and shall by other testimony or evidence prove that he, she, his, her, or their ancestor, or other person under whom he, she, or they shall claim, have been in the actual, undisturbed, and peaceable possession of the Lands, Tenements, or Hereditaments, claimed by and for the space of three years then next before, or shall by the witness or witnesses to such Deed, Conveyance, Will, Mortgage, Lease, or other Mesne Conveyance, or other parole or written evidence, prove the substance, matter, import, and effect thereof, that then and in such case, the said Commissioners, or any three of them, the said matter, evidence, and proof shall cause to be made an Entry of, set down in writing, and recorded in such book or books, as aforesaid, the description of the Lands claimed, the name of the Township and County wherein situated, and the name, addition, and place of abode of the party claiming the same, which said Entry and Record so made by the said Commissioners, or an attested copy thereof, shall be held, deemed, esteemed, and taken in Law, as good evidence of Title in the party claiming, until better evidence shall appear, *Provided also*, That such Entry and Record, or copy thereof, shall not be taken, held, or construed to extend to bar him, her, or them, or the heirs of him, her, or them, who at the time of making thereof had better Title; but every such other person or persons and his, her, or their heirs, then living and residing within this Province,

claim and shall make oath before said Commissioners that in such case if a Memorial, &c. shall be found in the Register's office of the Counties of Lincoln and Haldimand, in said District, or in the Register of the Surrogate Court thereof, the party claiming under such Deed, &c. shall produce an attested copy of such Memorial, &c. from the Register of the said offices respectively to said Commissioners the same attested copy shall cause to be transcribed in a book to be provided in manner herein after mentioned, and shall on such copy cause to be endorsed a Certificate of such entry, which, with the possession of the claimant under such Deed, &c. shall be good evidence of his title, until better evidence shall appear.

Any person who shall have lost the Deed, &c. under which he may claim such lands, &c. whereof no record can be found in such offices as aforesaid, and make oath before said Commissioners that the Deed, &c. hath been bona fide lost, and that he has been in the actual possession of the lands claimed for three years, or shall by the witnesses to such Deed, &c. prove the substance thereof, the said Commissioners shall cause to be made an entry in such books as aforesaid.

Such entry and record not to extend to bar him, &c. who at the time of making thereof had better title, but every person, &c. residing within this Province, may, within 7

years after such entry, pursue his title at Law, notwithstanding such entry shall be given in evidence to bar him, that at the time of making thereof had better right.

vince, may at any time within seven years after making such Entry and Record, have, pursue, and prosecute his, her, or their Title at Law, notwithstanding such Entry and Record, which shall not be given in evidence to bar him, her, or them, or the heirs of him, her, or them, that at the time of making thereof had better right, and who shall pursue the same within the time aforesaid, saving also to infants, persons of non-sane memory, femes covert, and persons beyond the seas, or residing without this Province, the right of so pursuing and prosecuting their Title at Law, at any time within three years next after they shall become of full age, of sane memory, non-covert, or shall come into this Province.

Commissioners to provide books of record, wherein to set down all proceedings.

Also, to nominate a Clerk to said Commission.

Duty of said Clerk.

Oath of said Clerk.

Clerk to administer oath to Commissioners.

Oath of Commissioners.

Notice to be given of the time and place of holding said Commission.

III. *And be it further enacted by the authority aforesaid,* That the said Commissioners or any three of them shall provide fit and sufficient books of Record wherein to set down, enter and Record all proceedings had before them in the execution of the said Commission, and shall have full power and authority to nominate and appoint some fit and proper person to be Clerk or Secretary of the said Commission, whose duty it shall be to fully, fairly, and truly to enter, set down, transcribe and Record, in such book or books as aforesaid, all proceedings of the said Commissioners, or any three of them, and the nature and effect of such written or other evidence as shall come before them, and who before entering on such duty, shall take and subscribe the following oath, "I, A. B. do make oath and swear, that I will truly and faithfully discharge and perform the duty of Secretary to the Commissioners appointed under the authority of an Act of the Parliament of Upper-Canada, entitled, "An Act to afford relief to persons holding or possessing Lands, Tenements or Hereditaments in the District of Niagara," and will make true Records of all proceedings had before the said Commissioners, without partiality to any person whatsoever, so help me God," and which said Clerk or Secretary so appointed, shall have power to administer to each and every of the said Commissioners the following oath to be by them made and subscribed, before entering on the execution of the said Commission, which oath in the following form shall be written, in such book as aforesaid, "We A. B. C. D. E. F. G. H. and J. K. do severally make oath and swear, That we will truly and faithfully discharge and perform the duty of Commissioners, under the provisions of an Act of Parliament of this Province, entitled "An Act to afford relief to persons holding or possessing Lands, Tenements or Hereditaments in the District of Niagara," and will cause true Records to be made of all proceedings laid before us in the execution of the said Commission without partiality, favour or affection to any person."

IV. *And be it further enacted by the authority aforesaid,* That no sitting of the said Commissioners, shall be held or holden, unless notice in writing of the time and place of holding the same, subscribed by one of the said Commissioners, shall first be affixed up in the Register Office of the said Counties, and unless the time and place of holding thereof, shall first in open Court be proclaimed at some General Quarter Sessions of the Peace, for the said District, by and for the space of two months next before the sitting of the said Commission.

V. And be it further enacted by the authority aforesaid, That the said Commissioners or any three of them shall have full power and authority to cause to come before them at any sitting so to be holden as aforesaid, any person or persons to give evidence, on oath, touching the loss or destruction of any Deed, Conveyance, Will, Mortgage, Lease or other Mesne Conveyance affecting any Lands, Tenements or Hereditaments within the said District, or touching or affecting the Estate, Right and Interest of any person or persons claiming the same, and the Testimony and Evidence, which shall by any such person or persons be thereof given before the said Commission, the said Commissioners shall cause to be set down in writing, entered and Recorded, in such Book or Books to be provided as aforesaid, which person or persons appearing and attending to give such evidence, shall be entitled to demand and receive under rule or order of the said Commissioners, from the party on whose behalf they shall attend, a like allowance as is paid to witnesses attending the trial of issues in His Majesty's Court of His Bench, *Provided nevertheless* That no such evidence or testimony affecting any lands, tenements or hereditaments within the said District, or the estate, rights and interests of any person therein, shall be admitted, taken, entered, or recorded, by the said Commissioners in such book or books as aforesaid, unless proof be adduced to the said Commissioners that a sufficient description in writing, mentioning and setting forth the lands, tenements or hereditaments claimed, the Town, Township, County or other place wherein situated, and the name, place and abode of the person or persons claiming, shall have been affixed up in the Register Office of the said Counties, and on the door of the Court House, or other Building, wherein a Court of General Quarter-Sessions of the Peace shall be holden for the said District, at least one month before the sitting of the said Commission, and whereas for preventing of frauds in Conveyances, Double Mortgages and other colusions in the sale and conveyance of Lands, Tenements or Hereditaments within the said District, and to the intent that persons minded to purchase, may have notice of any previous Deed or Conveyance.

Power of Commissioners to cause to come before them any persons to give evidence to be set in writing.

Money to be paid to witnesses.

No evidence, &c. affecting any lands shall be admitted, as aforesaid unless proof be advanced that a sufficient description in writing, mentioning and setting forth the lands and the description of the persons claiming, shall have been affixed up in the Register's office, of said Counties, &c. at least one month before the sitting of said Commission.

For preventing frauds in conveyances, &c.

Any person who, on the first day of June, 1816, was and still is in the lawful possession of any such land, &c. by virtue of any Deed, &c.

To be endorsed by the Register of said Counties.

Such persons to produce such Deed, &c.

Name and additions &c. of the witnesses and parties to be recorded.

A Certificate of such entry to be endorsed.

VI. And be it further enacted by the authority aforesaid, That when any person who on the first day of June in the year of our Lord one thousand eight hundred and fifteen, was, now, and still is, in the lawful seizen and possession of any such Lands, Tenements or Hereditaments under and by virtue of any Deed, Conveyance, Will, Mortgage, Lease or other Mesne Conveyance to him, her or them, made, on which is indorsed by the Register of the said Counties, that a memorial thereof, was enregistered in the Register Office of the said Counties, and then and in such case, each and every person or persons shall during the continuance of this Act, produce and bring before such Commissioners at their sittings such Deed, Conveyance, Will, Mortgage, Lease or other Mesne Conveyance, and the said Commissioners, the said Indorsements, the description of the Lands, Tenements or Hereditaments conveyed by such Deed, Conveyance, Will, Mortgage, Lease or other Mesne Conveyance, with the names, additions and places of abode, of the parties and witnesses thereto, shall cause to be transcribed, set down, written, entered and Recorded, in such Book or Books as aforesaid, and shall cause to be endorsed a certificate of such entry on the same,

Sales hereafter to be made of such land to be void.

Unless certified as aforesaid, endorsed, &c.

To be lawful for His Majesty's subjects to search the Records of said Commissioners.

The Records of all proceedings to be deposited in the Register's Office of said Counties.

Persons who shall wilfully forswear themselves to be subject to the same penalties as would be incurred on conviction for wilful & corrupt perjury.

(See 56th Geo. III. c. 39.)

which certificate shall be taken to be sufficient proof of the original Registering of such Memorial, and of the Record and entry thereof by the said Commissioners, and that every sale or conveyance which shall hereafter be made of any Lands, Tenements or Hereditaments, within the said District, shall be held, deemed, esteemed, and taken to be fraudulent and void, against purchasers for valuable consideration from any person or persons in the actual possession of the Lands, Tenements or Hereditaments sold, unless such certificate so as aforesaid endorsed, shall be set down, entered and Recorded in such Book or Books as aforesaid, before the enregistering of a Memorial of such subsequent Deed, or Conveyance in the Register Office of the said Counties, saving nevertheless, the Rights of Infants, Femes Coverts, Persons of non sane Memory and beyond the seas.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be free and lawful, to and for all His Majesty's subjects, from time to time, and at all times, during the sitting of the said Commission, and between the times and periods thereof, to search in, and examine any of the Books or Records, of the said Commission, and the entries therein made as aforesaid, and to demand and receive from the Clerk or Secretary thereof, copies, transcripts and certificates of any such entries, upon payment of such fees as in like cases are allowed, and paid to Registers in the several Districts of this Province.

VIII. *And be it further enacted by the authority aforesaid,* That at the ending and finishing of the said Commission, the Books and Records thereof and of all proceedings had before the said Commissioners, subscribed with their names, shall by them be deposited in the Register Office of the said Counties, to be kept among the Records thereof, and that the entry in such Books or Record, of a Certificate so made and endorsed, that a Memorial of any such Deed, Conveyance, Will, Mortgage, Lease or other Mesne Conveyance, was enregistered in the Register Office of the said Counties, shall be taken, held, esteemed and deemed as full evidence of the Registry thereof, as if the said Memorial and Record thereof had not been lost or destroyed as aforesaid.

IX. *And be it further enacted by the authority aforesaid,* That in case any person who shall appear before the said Commissioners to give evidence, respecting or affecting any such claim or claims, as aforesaid, shall wilfully and corruptly forswear him, her or themselves or shall therein wilfully or corruptly make any false affirmation or declaration, he, she or they, shall incur, and be subjected to the like pains and penalties as would be incurred upon conviction of wilful and corrupt perjury in any evidence given in His Majesty's Court of King's Bench in this Province, on any cause there depending.

C H A P. XVII.

An Act to repeal part of, and to alter and amend the LAWS now in force for granting PENSIONS to Persons disabled in the SERVICE, and the WIDOWS and CHILDREN of Persons who may have been killed in the Service, and to extend the Provision of the same.

[Passed 22d March, 1816.]

MOST GRACIOUS SOVEREIGN,

WHEREAS, the Acts now in force for granting Pensions to wounded Militia-men, and also to the Widows and Children of such as may have fallen in the Service, are not found sufficient to answer the benevolent purposes for which they were intended, And whereas, it is necessary that more effectual Provision be made for the same, May it therefore please Your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the second clause of an Act passed in the fifty-third year of His Majesty's Reign, entitled, "An Act to provide for the maintainance of persons disabled and the Widows and Children of such persons as may be killed in his Majesty's Service, be, and the same is hereby repealed.

Preamble.

53d Geo. III. c. 4.
2d clause of 53d Geo.
3. repealed.

II. [Repealed by 57th Geo. III. c. 5, s. 1.]

When any officer &c. shall in any engagem't. with the enemy &c. be wounded so as to be incapable of hard labor, and shall at the time have a wife or children such wounded person shall receive an annuity of £20. And if the sd. wounded officer &c. shall die before he shall fully recover, the widow, child or children shall receive the ann'y.

III. And be it further enacted by the authority aforesaid, That if any Officer, Non-commissioned Officer, Private Militia-man, or Teamster, shall have died or may hereafter die in consequence of any illness or disease contracted or that may hereafter be contracted while on or performing any duty on actual Service, and shall, at the time of such death, leave a Widow or Child or Children, such Widow or Child or Children shall be entitled to receive an annuity of twenty pounds in like manner, and under the like limitations and restrictions as the Widows and Children of persons killed in the Service are allowed to receive the same.

If any officer &c. shall die in consequence of illness contracted while on duty and shall leave a widow or children, such widow, &c. shall receive the annuity of £20.

IV.

On every application of a widow, &c. Gov. to order a permanent board composed of Militia officers, to enquire into the merits of the case, whose favorable report shall be sufficient authority for the Gov. &c. to order the name of such widow, &c. to be inserted on the Pension List.

IV. *And be it further enacted by the authority aforesaid,* That on every application of a Widow or Guardian or Guardians, Executor or Administrator of any Child or Children of any such Officer, Non-commissioned Officer, Private Militia-man, or Teamster, who may have died or who may hereafter die in consequence of illness or disease contracted or which may hereafter be contracted on Service, as aforesaid, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, as aforesaid, to order a permanent Board composed of Militia Officers of the County, District, or Riding, in which such Officer, Non-commissioned Officer, Private Militia-man, or Teamster, as aforesaid, shall have been domiciliated at the time of contracting such illness or disease, as aforesaid, to enquire into the merits of the case, whose favorable report and recommendation shall be sufficient authority for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to order the name or names of such Widow or Child or Children, to be inserted on the Pension List of this Province, and to order the amount of such Pensions, as aforesaid, to be paid.

To provide for the more easy payment of the same, Gov. to appoint a proper person to act as Gen'l. Agent.

V. And whereas, much delay and inconvenience have been experienced by individuals entitled to Pensions from the present mode of paying such Pensions, And whereas, it is necessary to provide for the more easy payment of the same, in future, *Be it enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government, as aforesaid, to nominate and appoint a fit and proper person, to be resident at the Seat of Government, to act as General Agent for the payment of all such Pensions, as aforesaid, which Agent shall, and he is hereby entitled to receive the annual Salary of one hundred and fifty pounds, and no more, *Provided always, and be it further enacted,* That before such Agent shall proceed to act, he shall enter into a Bond, with Sureties to His Majesty, His Heirs and Successors, himself in one thousand pounds, and two Sureties in the sum of five hundred pounds each, for the due performance of the several duties imposed by this Act.

Agent to enter into bond with sureties for the due performance of his duty.

Pensions to be paid in advance every six months in discharge of any warrant &c.

VI. *And be it further enacted by the authority aforesaid,* That the amount due upon all such Pensions, as aforesaid, shall be paid in advance every six months, by the Receiver General, to such Agent, as aforesaid, in discharge of any warrant or warrants which shall for that purpose be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province.

When the amount of such Pensions shall have been advanced, Agent to insert a notice in the newspapers stating the amount of pensions advanced.

VII. *And be it further enacted by the authority aforesaid,* That when and so often as the amount of such Pension or Pensions, as aforesaid, shall have been advanced to such Agent, as aforesaid, it shall and may be lawful for the said Agent, and he is hereby required to insert a notice in each and every Newspaper published within this Province, which notice shall be continued in the said Newspaper, for at least three months, stating the amount of Pensions so advanced to him, and containing a List of the names of all such persons as may be entitled to receive the same, copies of which shall be by the said Agent transmitted to the Clerk of the Peace of

of each and every District within this Province, to be distributed to the Magistrates thereof, also to the Commanding Officer of each Regiment, Battalion, or Independent Company of Militia of this Province, for the greater publicity of the same.

VIII. *And be it further enacted by the authority aforesaid,* That on the receipt of such Pension or Pensions, as aforesaid, by the said Agent, he shall, and he is hereby required so to do, pay the full amount of all such Pensions without any deductions, to such person or persons as may be entitled to claim the same, or to his, her, or their Agent or Agents, Representative or Representatives, Guardian or Guardians, Executors or Administrators.

On the receipt of Pensions by Agent he shall pay the full amount without any deduction.

IX. *Provided always, and be it further enacted by the authority aforesaid,* That each and every person or persons whose names may have already been, or who may hereafter be inserted on the Pension List of this Province, shall, as soon after the thirtieth day of June and thirty-first day of December, in each and every year, as may be convenient, transmit to the said Agent an Affidavit as the case may require, in the following forms:

Every person whose name is on the Pension List shall make an Affidavit in the following form.

I, A. B. of _____ in the District of _____ late _____ in the _____ Regiment of _____ Militia, do solemnly swear, that I am the person whose name has been heretofore inserted in the Pension List of this Province.

Form of Affidavit.

I, G. H. do solemnly swear, that I am the Widow of A. B. who died of wounds received in action with the Enemy.

I, G. H. do solemnly swear, that I am the Widow of A. B. who was killed in action with the Enemy.

I, G. H. do solemnly swear, that I am the Widow of A. B. who died from disease contracted whilst on Service.

I, A. B. [or as the case may be] Guardian, Executor, or Administrator, do solemnly swear, that I verily believe that J. H. is the Son (or Daughter) of the said G. who was killed in Action with the Enemy, or who died from Wounds received in Action, or who died from Disease contracted while on Service, and that J. H. is not Sixteen years, [as the case may be.]

I, C. D. Senior Officer of the Line, or _____ Regiment of _____ Militia, [as the case may be] do hereby Certify that A. B. was killed in Action on the _____ day of _____ or wounded and died in consequence, and that A. B. is the Widow of C. D.

Which Affidavit and Certificate with the Receipt of such Pensioner or Pensioners, Guardian or Guardians, Agent or Agents, Executors or Administrators, shall be taken and allowed to be a sufficient voucher, for the payment of such Pension or Pensions, as aforesaid.

Governor to appoint, during pleasure, a surgeon to examine Persons claiming to be put on Pension List.

X. And whereas, it is necessary to provide for the more easy and expeditious insertion of the names of persons claiming to be placed on the Pension List of this Province, *Be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant Governor or Person administering the Government of this Province, to nominate and appoint during pleasure, one or more persons from among the resident Surgeons, in each and every District of this Province, to examine such person or persons as shall or may claim to be admitted on the said Pension List in consequence of alledged disability from wounds as aforesaid, which Surgeon shall be entitled to claim and receive for such examination, the sum of five shillings, and no more, to be paid by the party claiming to be examined, the certificate of which Surgeons, or of any regular Surgeon of His Majesty's Military, Naval or Marine forces, in form herein after recited, with the certificate of the Senior Officer of the Line or Militia, or on the death or absence of such Officer, that of the next Senior Officer, certifying the time and place, of receiving such wound, or if a Widow certifying that her late Husband was killed in action, or died of such wounds, as aforesaid, or if a Child or Children, certifying the same, which certificate shall be sufficient authority for the Governor, Lieutenant Governor or person administering the Government, to order the name of such claimant as aforesaid to be inserted in the said Pension List.

Form of Certificates.

I, C. D. Senior Officer of the Line or first Regiment of Militia [as the case may be] do hereby Certify, that G. H. was wounded in action with the Enemy, on the——day of——

I, G. Surgeon, do hereby Certify that I have carefully examined A. B. of——late an Officer, [as the case may be] in the Regiment of Militia, and that in consequence of being Wounded, the said A. B. is incapable of hard labor.

Agent shall cause to be printed, forms required by this Act and transmit same to the Adj. Gen.

XI. *And be it further enacted by the authority aforesaid*, That the said Agent shall cause to be printed a sufficient number of the different forms required by this Act, and shall transmit the same to the Adjutant General of the Militia forces, who shall and he is required so to do, transmit a portion of each, to each and every Commanding Officer of every Regiment, Battalion or Independent Company of Militia within this Province.

It shall be the duty of every Officer commanding, &c to transmit a return of all persons entitled to Pensions to the Adj. Gen.

XII. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, it shall be the duty of each and every Officer commanding a Regiment, Battallion or Independent Company of Militia within this Province, and he is hereby required so to do, to transmit on or before the thirtieth day of June, and on or before the thirty-first day of December, in each and every year, a return of all persons entitled to Pensions within the limits of their respective Regiments, whether arising from Death by being killed, or disease, or from disability from hard labor, to the Adjutant General of the Militia for the time being, certified copies of which shall, by the said Adjutant General of the Militia, be transmitted to the Governor, Lieutenant Governor, or Person administering the Government, to the Inspector

Copies to be transmitted to the Governor, Inspector General and so the Agent.

Inspector General and to the said Agent, *Provided always, and be it further enacted by the authority aforesaid,* That if any Commanding Officer of any Regiment, Battalion, or Independent Company of Militia, shall neglect or refuse to transmit such Returns, as aforesaid, he shall forfeit and pay the sum of two hundred pounds, to be recovered by any person who shall sue for the same, in His Majesty's Court of King's Bench in this Province, by action of debt, bill, plaint, or information, wherein no essoyne, privilege, protection, or wager of Law shall be allowed, and only one imparlance, one half of which said sum, shall be given to the person suing for the same, and the other half paid into the hands of His Majesty's Receiver General, to and for His Majesty, His Heirs and Successors, for the public uses of the said Province and the support of the Government thereof, to be accounted for to His Majesty, through the Commissioners of His Treasury, for the time being, in such manner and form as it shall please His Majesty, His Heirs and Successors to direct.

If any Commanding Officer shall neglect, &c. he shall forfeit £200

XIII. *And be it further enacted by the authority aforesaid,* That all the expense, either from printing the notices and forms as aforesaid, or on the postage and carriage of the same, to and from the different Districts, and including Stationary, shall be allowed, and charged in a contingent account to be kept by the said Agent, which shall be made up every six months, viz: on the thirtieth day of June, and the thirty-first day of December, in each and every year, the amount of which account having been previously audited by the Honorable the Executive Council of this Province, shall be paid by the Receiver-General of this Province, to the said Agent in like manner as other monies are paid, under the authority of this or any other Act of this Province.

All the expence of printing, postage, &c. shall be allowed and charged by the Agent.

XIV. *And be it further enacted by the authority aforesaid,* That all monies paid under the authority of this Act, shall be accounted for to His Majesty, by the Receiver-General of this Province, through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

All monies paid shall be accounted for thro' the Lords Commissioners of the Treasury.

XV. *And be it further enacted by the authority aforesaid,* That the oaths directed to be taken by this Act, shall be administered by any Commissioner or Commissioners, who may for that purpose be appointed by the Governor, Lieutenant Governor or person administering the Government of this Province, in each and every District thereof, and that any person who shall be guilty of wilful and corrupt perjury in any oath which such person or persons shall or may have taken by the direction of this Act, such person as aforesaid, shall on conviction thereof incur and suffer the like pains and penalties, to which any other person or persons convicted of wilful and corrupt perjury, is liable by the Laws and Statutes of this Province.

Oath directed to be taken shall be administered by Commissioners appointed by the Government.

XVI. *And be it further enacted by the authority aforesaid,* That all persons heretofore serving in the late Provincial Marine Establishment, or who being inhabitants of this Province, shall or may hereafter engage to serve on board of any of His Majesty's vessels on the Lakes or Rivers of this Province, shall

All persons heretofore serving in the late Marine Establishment, or who may hereafter serve on board any of His Majesty's vessels on the lakes shall be taken to be Militia-men.

be

be deemed and taken to be Militia-men, and shall be entitled to all the benefits of this or any other Act of this Province for the payment of Pensions.

Agent shall regularly on 31st Dec. transmit to the Gov. an account of all pensions paid by him.

XVII. *And be it further enacted by the authority aforesaid,* That the said Agent shall regularly, on the thirty-first day of December, in each and every year, transmit to the Governor, Lieutenant Governor, or Person administering the Government of this Province, a detailed abstract account, supported by the vouchers, of all Pensions paid by him under the authority of this Act.

Continuance of this Act.
55 Geo. III. c. 6.

XVIII. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for the space of four years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

C H A P. XVIII.

An Act to authorize and provide for the building a GAOL and COURT-HOUSE in the Town of YORK, in the Home District, within this Province.

[Passed 22d March, 1816.]

Preamble.

WHEREAS, the building used as a Court-House of the Home District during the late war with the United States of America, has been destroyed by the enemy, and the Gaol of the said District, is in so bad a state as to require re-building, May it please your Majesty therefore, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That a Gaol and Court-House shall be erected in the Town of York, in the Home District of the said Province, in manner herein after mentioned.

Gaol & Court-House to be erected in the Town of York.

Justices of the Peace authorised to procure diff. plans to be laid before them for the purpose of determining on one.

II. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace within the said District at the General Quarter Sessions assembled, shall be authorized, and they are hereby authorized, by such means as shall to them seem most convenient and for the public good, to procure different plans and elevations of a Gaol and Court-House to be laid before them, for the purpose of erecting and determining upon one of the said plans and elevations, which shall be approved of by the greater part of the said Justices then and there assembled.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any two or more of the said Justices assembled, in manner aforesaid, in the name and on the behalf of the inhabitants of the said Home District, to contract, and they are hereby authorized to contract with any person or persons who shall be desirous of building and erecting the said Gaol and Court-House, according to the plan so approved of as aforesaid, upon a scite or situation to be determined upon, by the said Justices or the major part of them, so assembled as aforesaid, and for that purpose, the said plan and elevation shall remain and continue in the office of the Clerk of the Peace of the said Home District, for general inspection, and public notice shall be given, to all persons willing to contract for the erecting and building of the said Gaol and Court-House, to deliver in, within a certain limited time, written proposals under seal, of the sum of money for which he or they shall engage to build such Gaol and Court-House, conformably to certain articles and conditions to be agreed upon, by the Justices then present or the major part of them as aforesaid, and that the said Justices shall on a day for that purpose previously to be fixed, openly examine the said proposals so delivered in as aforesaid, and shall be empowered and are hereby required to contract with such person or persons as shall offer to undertake to erect and build the said Gaol and Court-House for the lowest price, provided the person or persons making such proposals, shall give and enter into good and sufficient security, to be approved of by the Justices or the major part of them in manner aforesaid, for the due performance of their contract; *Provided always,* that in any articles to be entered into for erecting and building the said Gaol and Court-House, the person or persons contracting, shall engage to complete the same within twenty-four months after the execution of the instrument of contract.

Two or more Justices to contract with any person who shall be desirous of erecting said Gaol and Court House.

Public Notice to be given to all persons willing to contract.

Persons contracting to enter into sufficient security, to be approved by the Justices.

Persons contracting shall engage to complete the building within 24 months after the Contract.

IV. *And be it further enacted by the authority aforesaid,* That all and every unappropriated sum or sums of money that are now or may hereafter come into the hands of the Treasurer of the said Home District, by virtue of and under the authority of an Act, passed in the thirty-third year of the Reign of our Sovereign Lord the King, entitled "An Act to authorize and direct the laying and collecting of Assessments and Rates in every District within this Province, and to provide for the payment of wages to the Members of the House of Assembly," shall and may be applied by the Justices in Quarter Sessions assembled, or the major part of them, in discharge of the expences of erecting and building the said Gaol and Court-House.

All unappropriated sums that are now or may hereafter come into the hands of the Treasurer of the said Home District, by virtue of the 33d Geo 3d, c. 8, to be applied by the Justices in discharge of the expences of erecting said Gaol and Court-House.

V. *And be it further enacted by the authority aforesaid,* That the twelfth clause of an Act passed in the thirty-second year of His Majesty's Reign, entitled "An Act for building a Gaol and Court-House in every District within this Province, and also for altering the names of the said Districts," shall be, and the same is hereby repealed.

12th Clause of 32d Geo. 3d. repealed.

C H A P. XIX.

An Act to erect and form a new District out of certain parts of the Home and Niagara Districts, to be called the DISTRICT of GORE.

[Passed 22d March, 1816.]

Preamble.

A separate and new District established, to be called the District of Gore,—composed of the Townships of Trafalgar, Nelson, Beverly, Flamborough east and west, so much of the land upon the Grand River as lies to the northward of Dundas Street, and Blocks one, two, three and four on the Grand River, together with the reserved Lands in the rear of Blenheim & Blanford, and of the Townships of Berbroock, Saltfleet, Glanford, Barton, and Ancaster, together with that part of the land in the County of Haldimand, on each side of the Grand River, lying to the northward and westward of Bear's foot Village on the River Ouse to Dundas Street, together with the beach at the head of Lake Ontario, between the outlet of Burlington Bay and Saltfleet, with the Promontory between Burlington Bay and Coot's Paradise in the District of Niagara.

Toronto shall be attached to the East Riding of the County of York, and the residue of the West Riding to continue the West Riding.

WHEREAS, from the great extent of the Home and Niagara Districts, in this Province, and the increased population of late years in the Westernmost part of the said Districts, it hath become an object of serious inconvenience to the inhabitants thereof to attend the Courts of Justice; and whereas for other weighty and sufficient reasons, it has become expedient to divide the said Districts, and to constitute and form a new District out of certain parts thereof; and whereas it is expedient that the said new District should enjoy all and every jurisdiction, privilege and advantage now possessed and enjoyed by the other Districts of this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, there shall be formed, constituted and established a separate and new District, to be called the District of Gore, which said District shall be formed and composed of the Townships of Trafalgar, Nelson, Beverly and Flamborough, the latter divided into Flamborough East and West, so much of the tract of land upon the Grand River, in the occupation of the Six Nation Indians, as lies to the Northward of Dundas Street, and Blocks, one, two, three and four; on the Grand River aforesaid, together with the reserved lands in the rear of Blenheim and Blanford, in the West Riding of the County of York, in the Home District, and of the Townships of Berbroock, Saltfleet, Glanford, Barton and Ancaster, in the first Riding of the County of Lincoln, together with that part of the tract of land in the County of Haldimand, on each side of the Grand River lying to the Northward and Westward of Bear's foot Village, on the River Ouse, to Dundas Street, and together with the Beach at the head of the Lake Ontario, between the Outlet of Burlington Bay and the Township of Saltfleet, with the Promontory between Burlington Bay and Coot's Paradise, in the District of Niagara.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the Township of Toronto shall be attached to, and form a part of the East Riding of the County of York, and the residue of the West Riding of the County of York, shall from henceforth continue and be the West Riding of the County of York.

III. *And be it further enacted by the authority aforesaid,* That the Courts of Oyer and Terminer, Assize, Nisi Prius, Gaol Delivery and of the Peace; Courts of General Quarter Sessions of the Peace; District Court; Surrogate Court; Court of Requests and every Court and Jurisdiction whatsoever held or to be held, possessed and enjoyed, in and by the other Districts of this Province, shall from henceforth, with the like powers and authorities, be held, possessed and enjoyed, in and by the said District of Gore, and that all and every jurisdiction, regulation, rule, privilege, exemption, matter or thing which hath or have been enacted, provided and declared, or shall be hereafter enacted, provided and declared, by any Act or Acts of the Parliament of this Province, made or to be made, touching or concerning the said other Districts, shall be and are hereby extended to that District, unless otherwise provided for and declared by this Act, and that Courts of Oyer and Terminer, Assize, Nisi Prius and Gaol Delivery shall first be held, unless under special commission, in and for the said District of Gore, during the circuit of the Judges of His Majesty's Court of King's Bench through this Province, in the year of our Lord one thousand eight hundred and sixteen, *Provided nevertheless* That if any cause of action hath arisen or shall arise, and any action thereupon hath been or shall be commenced, or any indictable offence, hath been or shall be committed within the said District of Gore, which said action or indictable offence by due course of Law might have been brought to issue and trial, if the said District had not been erected and constituted at the next Assizes, to be holden in and for the Home District, or in and for the District of Niagara, it shall and may be lawful as heretofore, then and there to try the said actions and indictments, any thing herein contained to the contrary notwithstanding.

Courts of Oyer and Terminer, Nisi Prius, Gaol Delivery and of the Peace; Courts of Gen. Qr. Sess.; Dist. Court; Surr. Court; Court of Requests, and every Court whatsoever, shall be held in & by the District of Gore.

IV. *And be it further enacted by the authority aforesaid,* That a Gaol and Court-House for the said District of Gore, shall be erected and built in some fit and convenient place, on Lot number fourteen, in the third concession of the Township of Barton, to be called the Town of Hamilton, in such manner and under the same rules, regulations and directions as in that respect are made and provided in and by a certain Act, passed in the thirty-second year of His Majesty's Reign, entitled "An Act for building a Gaol and Court-House in every District throughout the Province, and for altering the names of the said Districts," and that all and every the clauses, provisions, rules, regulations, matters and things in the said last recited Act contained, shall under the same penalties as therein are contained, in all cases, and in respect to all persons, extend and be extended to the District of Gore aforesaid.

Gaol & Court-House to be erected for the said District of Gore.

32 Geo III c 8.

Regulations in that respect.

V. *Provided nevertheless, And be it further enacted by the authority aforesaid,* That until such time as the said Gaol and Court-House, in and for the District of Gore aforesaid, shall have been erected and built, whether out of the fund produced by the District Assessments and Rates, or otherwise, that it shall and may be lawful for the majority of His Majesty's Justices of the Peace, residing within the said District of Gore, to appoint some place therein, for holding the Courts of General Quarter Sessions of the Peace, and

Until Gaol and Court-House erected, Justices residing within the District of Gore to appoint a place, &c. for the holding of Courts.

No Jurisdiction of the Home or Niagara District to extend to the District of Gore.

and of all other Courts held at a place certain in the said other Districts of this Province, And Whereas, the said Townships of Trafalgar, Nelson, Flamborough East and West, Beverly, Benbrook, Saltfleet, Glanford, Barton and Ancaster, Blocks one, two, three and four, with the said other Lands now constituting the District of Gore, did heretofore belong to and constitute a part of the Home and Niagara Districts of this Province, and were subject to the jurisdictions, powers and authorities of the said Districts: *Be it therefore further enacted by the authority aforesaid, That no jurisdiction, power or authority of what nature or kind soever to the said Home or Niagara Districts at this time belonging and appertaining, shall extend or be construed to extend to the said District of Gore, Provided nevertheless that nothing herein contained shall affect, change or in any wise invalidate the jurisdictions, commissions, powers and authorities which heretofore were established, possessed and exercised, in that part of the said Province, which before the erecting and constituting the said District of Gore, formed and constituted the Home and Niagara Districts, and that all acts, matters and things which have been lawfully done under and by virtue of the said jurisdictions, commissions, powers and authorities within the said Districts, so far as respects the validity of the authority under which the same have issued and are constituted, previous to the erecting and constituting of the the said District of Gore as aforesaid, and all acts, matters and things which shall be lawfully done under and by virtue of the same, in that part of the Province, which now forms and constitutes the Home and Niagara Districts, so far as respects the validity of the authority under which the same have issued and are constituted, since the said District of Gore hath been so erected and constituted, shall be held to be valid and good in Law, to all intents and purposes whatsoever.*

Justices of the Peace residing within the District of Gore, shall exercise the like authority within that District in manner heretofore held within the Home and Niagara Districts.

VI. *And be it further enacted by the authority aforesaid, That His Majesty's Justices of the Peace and other persons bearing lawful authority, residing within the said District of Gore, shall hold, enjoy and exercise the like authority, power, and jurisdiction within that District, at the times and in the manner which they heretofore held, enjoyed, and exercised within the Home and Niagara Districts before the erecting, constituting, and declaring of the said District of Gore, or which is held, enjoyed, and exercised by His Majesty's Justices of the Peace, and other persons bearing lawful authority in the other Districts of this Province, provided that the authority, power, and jurisdiction heretofore exercised by His Majesty's Justices of the Peace, and other persons bearing lawful authority residing within the said District of Gore, shall not in any wise be exercised or continued within that part of this Province now constituting the Home and Niagara Districts, but the same within those Districts shall from henceforth cease and determine.*

Assessments.

VII. *And be it further enacted by the authority aforesaid, That the Assessments and Rates levied or to be levied for this current year of our Lord one thousand eight hundred and sixteen, within the said District of Gore, shall be applied and expended for the like purposes within that District as they now are or may be applied and expended under and by virtue of any*

any Act or Acts of the Parliament of this Province, made or to be made in the other Districts of this Province.

VIII. *And be it further enacted by the authority aforesaid,* That the residue of the Home District shall from this time henceforth constitute and form the Home District, and the residue of the Niagara District shall be and remain the District of Niagara.

IX. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to prevent or make void any of the provisions of an Act passed in the present Session, entitled, "An Act to afford relief to persons holding or possessing Lands, Tenements, or Hereditaments in the District of Niagara," and that the Commissioners hereafter to be appointed under the aforesaid Act, shall have the same authority therein given in that part of the Counties of Lincoln and Haldimand as if the same were still a part of the said District of Niagara, any clause, matter, or thing herein contained to the contrary notwithstanding.

X. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, the Block Number one on the Grand River shall be known by the name of the Township of Dumfries, Block Number two by the name of the Township of Waterloo, Block Number three by the name of the Township of Woolwich, and Block Number four by the name of the Township of Nichol.

XI. *And be it further enacted by the authority aforesaid,* That the Township of Saltfleet, Barton, Benbrook, Glanford, Ancaster, and the Beach between Burlington Bay and Lake Ontario, and the Promontory near Coot's Paradise, and so much of the County of Haldimand as lies between Dundas Street and the Onondaga village, commonly called Bear's-Foot, including said village, shall from henceforth form and be called the County of Wentworth, and the residue of the County of Lincoln, and the residue of the County of Haldimand shall from henceforth be and remain the Counties of Lincoln and Haldimand respectively.

XII. *And be it further enacted by the authority aforesaid,* That the Townships of Trafalgar, Nelson, Flamborough, the latter divided into Flamborough East and West, Beverly, and Blocks Number, one, two, three, and four, on the Grand River with the reserved Lands in the rear of the Townships of Blenheim and Blanford, do constitute and form the County of Halton, and the residue of the County of York shall be and remain the County of York.

XIII. *And be it further enacted by the authority aforesaid,* That the Counties of Wentworth and Halton do constitute and form the District of Gore.

56. Geo. III. c. 18.

Block No. 1, on the Grand River, named Township of Dumfries.

No. 2, Township of Wellington.

No. 3, Township of Woolwich.

No. 4, Township of Nichol.

Saltfleet, Barton, Benbrook, Glanford, Ancaster and the beach between Burlington Bay and Lake Ontario, and the Promontory near Cook's Paradise, and so much of the County of Haldimand as lies between Dundas Street and the Onondaga village including said village, shall from henceforth be called the County of Wentworth, And the residue of the County of Haldimand and Lincoln, shall remain the Counties of Haldimand and Lincoln.

Trafalgar, Nelson, Flamborough East and West, Beverly, and Blocks No. 1, 2, 3 and 4, on the Grand River, with the Reserved Lands, in the rear of Blenheim and Blanford, to form the County of Halton.

The Counties of Halton and Wentworth, to form the District of Gore.

(See 38th Geo. III. c. 5, 67th c. 1, 69th c. 10.)

C H A P.

C H A P. XX.

An Act granting RELIEF to several INSPECTORS within this Province

C H A P. XXI.

(See 60th Geo. III. 2d Session.) An Act to revive and continue an Act, passed in the fifty-second year of His Majesty's Reign, entitled, "*An Act to continue and amend an Act passed in the forty-eighth year of His Majesty's Reign, entitled, an Act to continue an Act passed in the forty-fifth year of His Majesty's Reign, entitled, an Act to afford relief to those persons who may be entitled to claim Lands in this Province, as HEIRS or DEVISEES of the Nominees of the Crown, in cases where no Patent hath issued for such Lands, and further to extend the benefit of the said Act, and to continue part of the same.*"

[Revives and continues for four years 52d Geo. III. c 9, first Session.]

C H A P. XXII.

An Act to increase the SALARIES of certain OFFICERS of the LEGISLATIVE COUNCIL and HOUSE of ASSEMBLY.

[Passed 1st April, 1816.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS, the Salaries now allowed by Law to certain Officers of the Legislative Council and House of Assembly, are not sufficient; it is therefore expedient, that the Salaries of the said Officers should be increased; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, there be granted annually to His Majesty, His Heirs and Successors, the sum of four hundred and seventy pounds, to and for the uses herein after expressed; that is to say,

Granted Annually the sum of £470 for the increase of the Salaries of the Officers of the Legislature.

say, the Clerk of the Legislative Council, one hundred pounds; the Usher of the Black Rod, fifty pounds; the Master in Chancery attending the Legislative Council, fifty pounds; the Chaplain of the Legislative Council, fifty pounds; the Door Keeper of the Legislative Council, ten pounds; the Clerk of the House of Assembly, one hundred pounds; the Sergeant at Arms, fifty pounds; the Chaplain of the House of Assembly, fifty pounds; the Door Keeper of the House of Assembly, ten pounds; for the time being, in addition to the sums heretofore granted to and for the uses of the said Officers.

II. *And be it further enacted by the authority aforesaid,* That the monies hereby granted to His Majesty for the payment of Salaries to the Officers herein before mentioned, shall be paid by the Receiver General, in discharge of such warrant or warrants as shall for the purposes herein set forth, be from time to time issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, for the time being, and not otherwise; and the said Receiver General shall account to His Majesty for the same, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall be graciously pleased to direct.

The Money how to be paid and accounted for.

III. *And be it further enacted by the authority aforesaid,* That the increase to the Salaries heretofore mentioned shall take effect and become payable from and after the first day of January in the present year.

Increase to Salaries to become payable from and after the 1st day of January in the present year.

IV. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for the term of four years, and no longer.

Continuance of this Act.

C H A P. XXIII.

An Act granting to His Majesty a sum of Money to REMUNERATE certain COMMISSIONERS of HIGHWAYS in this Province, for certain Sums advanced by them towards the Repair of sundry Highways within the same.

£513. 12. 6 granted to reimburse the several Commissioners herein mentioned the sums therein mentioned.

[Temporary.]

C H A P. XXIV.

An Act to appropriate a sum of Money for providing a LIBRARY for the use of the Legislative Council and House of Assembly of this Province.

£800 to be appropriated to purchase Books and Maps.

C H A P. XXV.

An Act to continue an Act passed in the fifty-third year of His Majesty's Reign, entitled "An Act to facilitate the circulation within this Province of ARMY BILLS issued by authority of the Province of Lower-Canada," and also to continue a certain other Act, passed in the fifty-fourth year of His Majesty's Reign, entitled "An Act to facilitate the circulation within this Province of any Bills issued by authority of the Province of Lower-Canada."

[Expired 1st May, 1816.]

C H A P. XXVI.

An Act for granting to His Majesty a sum of Money towards defraying the EXPENSES of the CIVIL ADMINISTRATION of the Government of this Province.

Passed 1st April, 1816.

MOST GRACIOUS SOVEREIGN,

Preamble.

WE, Your Majesty's Most Dutiful and Loyal Subjects, the Commons House of Assembly of Upper-Canada, in Provincial Parliament assembled, being desiring of manifesting to your Majesty our gratitude for the powerful means, which your Majesty sent for our Defence, during the late war with the United States of America, by contributing from our humble and very limited Revenue, towards the support of the Administration of the Civil Government of this Province, beseech your Majesty, that it may be enacted, *And be it therefore enacted*, by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That from and out of the Rates and Duties, already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, there be annually granted to His Majesty, his Heirs and Successors, towards the support of, and towards defraying the expences of the Administration of the Civil Government thereof, the sum of two thousand five hundred pounds, which said sum of two thousand five hundred pounds shall be paid by the Receiver General of this Province, in discharge of any Warrant or Warrants, which shall for that purpose be issued by the Governor, Lieutenant Governor, or Person administering the Government of this

£2800 granted annually for the support of the Civil Government of this Province

To be paid by the Recr. General in discharge of any Warrant issued by the Gov. for that purpose

this Province, and shall be accounted for to His Majesty, by His Majesty's Receiver-General of this Province, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

And to be accounted for through the Lords Commissioners of the Treasury.

C H A P. XXVII.

An Act to increase the SALARY of the SPEAKER of the HOUSE of ASSEMBLY, and to remunerate the present Speaker for past Services.

Passed 1st April, 1816.

MOST GRACIOUS SOVEREIGN.

WHEREAS, it is expedient to increase the Salary of the Speaker of the House of Assembly, and that the said increase should take place and become payable from and after the twenty-sixth day of July, one thousand eight hundred and twelve; We, your Majesty's Dutiful and Loyal Subjects, the Commons of Upper-Canada, in Provincial Parliament Assembled, beseech your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the Rates and Duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, and in the hands of the Receiver-General unappropriated, there be granted to His Majesty, His Heirs and Successors, for the present year, the sum of eight hundred pounds, and annually in each and every succeeding year, the sum of two hundred pounds; which said sum of eight hundred pounds, and two hundred pounds, shall be appropriated, applied and disposed of as follows, (that is to say:) To Allan MacLean, Esquire, Speaker of the House of Assembly, for four years additional Salary, as Speaker of the House of Assembly, the sum of eight hundred pounds: To the Speaker of the House of Assembly, for the time being, annually, in each and every year, the sum of two hundred pounds, in addition to the sum of two hundred pounds heretofore annually paid to the Speaker of the House of Assembly.

Preamble.

The sum of £800 granted as 4 years' additional Salary to the Speaker of the House of Assembly, and annually in each succeeding year the sum of £200, in addition to the sum of £200 heretofore annually paid to the Speaker of the House of Assembly.

II. *And be it further enacted by the authority aforesaid,* That the said sums of eight hundred pounds, and two hundred pounds respectively, shall be paid by the Receiver-General of this Province, in discharge of such Warrant or Warrants, as shall for that purpose from time to time be issued, by the Governor, Lieutenant Governor, or Person administering the Govern-

The money how to be paid and accounted for.

(See 41st Geo. III. c 12.)

ment of this Province; and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

C H A P. XXVIII.

An Act for making temporary Provision for the REGULATION of TRADE between this Province and the United States of America, by Land or Inland Navigation.

[Expired.]

C H A P. XXIX.

An Act to continue for a limited time the PROVISIONAL AGREEMENT entered into, between this Province and Lower Canada, at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to Duties; also, for continuing for a limited time, the several Acts of the Parliament of this Province relative thereto.

[Repealed by 58th Geo. III. c 13.]

C H A P. XXX.

An Act to appropriate a sum of Money for the REMUNERATION of ELIZABETH WRIGHT.

[Private.]

C H A P. XXXI.

An Act to amend an Act passed in the forty-eighth year of His Majesty's Reign, entitled, "*An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in being, for the RAISING and TRAINING the MILITIA of this Province.*"

[Passed 1st April, 1816.]

Preamble

48th Geo. III. c 4.

WHEREAS, it is necessary to explain and amend an Act passed in the forty-eighth year of His Majesty's Reign, entitled, "*An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in*"

in being for the Raising and Training the Militia of this Province: Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Québec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That nothing contained in the third clause of the said Act, passed in the forty-eighth year of His Majesty's Reign, entitled, "An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in being for the Raising and Training the Militia of this Province," shall extend or be construed to extend to oblige any person to enroll himself in the Militia of this Province, unless such person is a natural born Subject of His Majesty, or a Subject of His Majesty naturalized by an Act of the British Parliament, or a Subject of His Majesty having become such by the cession of Canada, or a person who has taken the Oath of Allegiance, but that in all cases such persons as are not liable to be called upon for the defence of the Province in case of invasion, shall be excluded from the Rolls of the Militia of the same, any thing in the before mentioned Act in any wise to the contrary notwithstanding.

Nothing contained in the third Clause of the Act passed in the 48th year of His Majesty's Reign chap. 1. shall extend to oblige any person to enroll himself in the Militia, unless such person is a natural born Subject, &c.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to issue his warrant in favour of the Adjutant General of Militia of this Province, and cause him to be paid all such expences as he shall incur for the Postage of Letters, Stationary, and other contingent expences of his Office.

Governor may issue his warrant in favor of the Adjutant General of Militia for postage of Letters, &c.

III. *And be it further enacted by the authority aforesaid,* That all fines or exemption money imposed by any Militia Law heretofore in force, since the first day of July, one thousand eight hundred and twelve, and whereby any judgment may have passed against any person or persons by virtue of such Militia Law, as aforesaid, and such fine or fines, or exemption money may not have been collected, the like powers, authorities, ways, means, and methods are hereby given for the collection of the said fines, as other fines are collected by virtue of this Act, or any other Militia Law of this Province.

All Fines or Exemption Money imposed by any Militia Law, how collected.

IV. *And be it further enacted by the authority aforesaid,* That it shall be the duty of all Justices of the Peace, issuing or granting any summons or warrant under and by virtue of this Act, and they are hereby required to direct every such summons or warrant, as aforesaid, to the Sheriff of the District, and such Sheriff shall not be entitled to any milage on such summons or warrant, as aforesaid, against such person or persons beyond the limits of the Township where such person or persons shall reside.

Justices granting any warrant under this Act, required to direct the same to the Sheriff of the District.

No Milage beyond the limits of the Township.

Sheriffs and Treasurers in the several Districts have a right to retain 3 per cent. on monies collected and transmitted to Receiver General.

If any Sheriff or Treasurer shall not transmit money collected within three months shall not receive the 3 per cent.

All fines or exemption money collected shall within 3 months be transmitted to the Receiver General.

Certified on oath before a Justice of the Peace.

Any Magistrate, Commanding Officer, &c. who shall neglect to transmit, to forfeit £100

All monies directed to be paid by this Act, to be accounted for through the Lords Commissioners of His Majesty's Treasury.

See 51 Geo. III. c. 7. & 59th, 2d Session.

V. And be it further enacted by the authority aforesaid, That each and every Sheriff, and each and every Treasurer in the several Districts of this Province, shall hereafter severally have a right to retain for his use the sum of three pounds for every hundred pounds, so collected and transmitted to the Receiver General, and in the same proportion for any greater or less sum, Provided always, and be it further enacted by the authority aforesaid, That if any Sheriff or Treasurer shall not transmit the money by him so collected to the Receiver General of this Province, within three months thereafter, such Sheriff or Treasurer, as aforesaid, shall not be entitled to retain the said sum of three pounds for every hundred pounds so collected.

VI. And be it further enacted by the authority aforesaid, That all fines or exemption money heretofore collected under and by virtue of any Militia Law of this Province, either by Magistrates, Commanding Officers, Sheriffs, Treasurers, or other persons, shall within three months from the date hereof, be transmitted to His Majesty's Receiver General, to and for the public uses of this Province, which said fines or exemption monies, shall be accompanied by a detailed account of the same from the person transmitting them, regularly certified on oath before one of His Majesty's Justices of the Peace, and any Magistrate, Commanding Officer, Sheriff, Treasurer, or other person having in their possession such Militia fines or exemption monies, who shall refuse or neglect to transmit the same, as herein before directed, shall forfeit and pay the sum of one hundred pounds, to be recovered in any of His Majesty's Courts of this Province, by action of debt, bill, plaint, or information, wherein no essoin, privilege, protection, or wager of Law shall be allowed, and only one imparlance, any thing to the contrary in this Act notwithstanding.

VII. And be it further enacted by the authority aforesaid, That all such sum or sums of money, as are directed to be paid by this Act, by virtue of any warrant or warrants to be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, shall be duly accounted for to His Majesty, His Heirs and Successors, by the Receiver-General of this Province, through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors, shall be graciously pleased to direct.

C H A P. XXXII.

Grants £1000 for the cultivation of Hemp.

An Act granting to His Majesty a sum of Money to be applied for the encouragement of the CULTIVATION of HEMP, within this Province.

[Repealed by 58th Geo. III. c. 7.]

C H A P. XXXIII.

An Act to regulate the POLICE, within the Town of KINGSTON.

[Passed 1st April, 1816.]

WHEREAS, the population of the Town of Kingston is much increased in the number of inhabitants, and further provision is necessary to be made for the internal regulation of the said Town; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful for the Magistrates assembled in General Quarter Sessions, for the Midland District, or the majority of them, to make, ordain, constitute and publish such prudential Rules and Regulations, as they may deem expedient relative to paving, keeping in repair, and improving the streets of the said Town, regulating slaughter houses and nuisances, and also to enforce the said Town Laws, relative to horses, swine or cattle of any kind from running at large, in said Town; relative to the inspection of weights and measures, fire men and fire companies. *Provided always*, that nothing herein contained, shall extend or be construed to extend to the regulating or ascertaining the price of any commodities, or articles of provisions that may be offered for sale; *Provided also*, That such rules and regulations be not contrary to, or inconsistent with the Laws and Statutes of this Province.

Preamble.

The Magistrates in Sessions, or a majority, to make certain Regulations in the Town of Kingston.

II. *And be it further enacted by the authority aforesaid*, That the Magistrates in Quarter Sessions assembled, for the Midland District, or the major part of them, in the month of April, in each and every year, may raise, by assessment from the persons rated upon any assessment for property in the Town of Kingston, a sum not exceeding one hundred pounds in any one year, for purchasing and keeping in repair, fire engines, ladders, buckets, and other utensils, for the extinguishing of fires, and for making any other necessary improvement in the said Town, exclusive of the sum such person may be rated for, in and upon any other assessment of this Province, and in order to carry the said assessment into effect, it shall be the duty of the Clerk of the Peace for the Midland District, to select from the general assessments of the said Midland District, a list or assessment of the ratable property that each and every person owns or possesses in the said Town of Kingston, ready to be laid before the Magistrates in Quarter Sessions assembled for the Midland District, in April in each and every year.

The Magistrates or the majority in General Quarter Sessions in April in every year, may raise from persons rated on the Assessment for property in Kingston, a sum not more than £100 in one year, for the purposes herein mentioned.

Exclusive of the sum such person may be rated for on any other Assessment.

The Clerk of the Peace for the Midland District to select from the general Assessments a list of the ratable property each person holds in Kingston, ready to be laid before the Magistrates.

III.

Such Assessment as aforesaid to be paid in proportion to the sum that such person is rated for in Kingston.

Subject to such Regulations as may be made by the Magistrates to be applied as such Magistrates shall direct.

The Magistrates who make any such Regulations authorized to punish offenders as herein directed.

Manner of publishing such Rules and Regulations.

III. *And be it further enacted by the authority aforesaid*, That such assessment as aforesaid, shall be raised, levied, collected and paid in proportion to the sum that such person is rated for, upon any assessment he may possess or hold in the said town of Kingston, and subject to such Rules and Regulations as may be made by the Magistrates in Quarter Sessions for the said District, for the purpose of raising, collecting and paying any sum collected, to the Treasurer of the said District, which said sum shall be applied from time to time in such manner for the purposes aforesaid, as the Magistrates in Quarter Sessions assembled, or a majority of them shall direct and appoint.

IV. *And be it further enacted by the authority aforesaid*, That the Magistrates in General Quarter Sessions of the Peace, or the major part of them, as often as they shall make and publish any such Rules and Regulations for the purposes aforesaid, may make, ordain, limit and provide such reasonable fines against the offenders of such Rules and Regulations as they may think proper, not exceeding forty shillings for any one offence, to be prosecuted before any Commissioner of the Peace of the Town of Kingston, upon the oath of one credible witness, and to be levied by warrant, under the hand and seal of such Commissioner, upon the goods and chattels of such offender; and that one moiety of the sum so levied shall go to the informer, and the other moiety shall be paid to the Treasurer of the said District, for the use of the said Town.

V. *And be it further enacted by the authority aforesaid*, That every such Rule and Regulation so made as aforesaid, before it shall have effect, shall be published in the Kingston Gazette, and also be posted up in three or more public places in the said Town.

C H A P. XXXIV.

An Act for granting to His Majesty, Duties on LICENCES to HAWKERS, PEDLARS and PETTY CHAPMEN, and other TRADING PERSONS therein mentioned.

Passed 1st April, 1816.

I. }
II. } [*Repealed by 58th Geo. III. c 5, s 1.*]

Cases to which this Act does not extend.

III. *And be it further enacted by the authority aforesaid*, That nothing in this Act shall extend, or be construed to extend to prohibit any person or persons, being British born subjects, or subjects become such by naturalization, or by conquest, from selling leather, hollow ware, farming utensils, or any printed papers, published by authority, they being the growth, produce or manufacture of this Province, nor to hinder any person or persons, who are the real makers of any goods, wares, or merchandize of the manufactory

nufactory of this Province, or his, her or their children, apprentices, agents or servants to such real workers or makers of such goods, wares or manufactories, (they being subjects as above) only from carrying abroad, exposing to sale, or selling by retail or otherwise, any of the said goods, wares or manufactories, of his, her or their own making, in any part of this Province; nor any tinkers, coopers, glaziers, harness menders, or any other persons, usually trading in mending kettles, tubs, household goods or harness, whatsoever, from going about and carrying with him, her or them, proper materials for mending the same, without having a Licence as aforesaid, they being subjects as before recited; *Provided also*, that this Act shall not be construed to extend, to prohibit hucksters or persons having stalls or stands in the Markets, in the Towns within this Province, from selling or exposing to sale, without having a Licence as aforesaid, any fish, fruit, victuals, or goods, wares and merchandize, in such stall or stands, they being British subjects as aforesaid, and complying with such rules and regulations of Police, as by the Justices in their General Quarter Sessions of the Peace, or by any other authority are or may be established in such Towns, respecting such stalls and stands.

IV. *And be it further enacted by the authority aforesaid*, That the Licences herein before mentioned, shall be granted by the Governor, Lieutenant Governor or person administering the Government of this Province, and for every such Licence that shall be delivered, there shall be paid by the person or persons applying for the same, to the Collector, the sum of three shillings and nine pence, current money, and no more, for issuing the same.

Licences to be granted by Governor, Lieutenant Governor, &c.

Sums to be paid for said Licences.

V. *And be it further enacted by the authority aforesaid*, That every Collector as aforesaid, before he enter upon the execution of his said office, shall take and subscribe the following oath; which oath shall be taken before any two of His Majesty's Justices of the Peace, in and for the District in which such Collector shall reside, who are hereby authorized and required to administer and transmit the same, to be filed in the office of the Clerk of the Peace, amongst the Records of the said District:

I, A. B. do swear, that I will well and truly execute, do and perform the duty of Collector of His Majesty's Revenue, arising on Licences to Hawkers, Pedlars and Petty Chapmen, and other Trading persons as described by an Act, passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act for granting to His Majesty, Duties on Licences to Hawkers, Pedlars and Petty Chapmen, and other Trading persons therein mentioned," and will duly and impartially superintend the collection thereof, according to the best of my skill and knowledge, and in all cases of fraud, or suspicion of fraud, that shall come to my knowledge, I will show no person favour or affection, nor will I aggrieve any person from hatred or ill-will; and that I will in all cases faithfully do, execute and perform, to the best of my skill and knowledge, all and every the duties imposed upon me, by the before mentioned Act. So help me God.

Oath to be taken by the Collectors.

VI. *And be it further enacted by the authority aforesaid*, That every Collector, acting under, and by virtue of this Act, shall within three months from and after

Security to be given by said Collectors

after the passing thereof, give security by two sureties, in two hundred pounds each, and himself in four hundred pounds, current money of this Province, to His Majesty, His Heirs and Successors, for the due performance of his office.

VII. }
VIII. } [*Repealed by 58th Geo. III. c 3, s 1.*]

No person to sell wine, brandy, &c. without first having taken out a Licence for the sale thereof, agreeably to the Laws of this Province.

IX. *And be it further enacted by the authority aforesaid,* That nothing in this Act shall be construed to permit any person or persons whatsoever, to sell any wine, brandy, rum, or other spirituous liquors, without first having taken out a Licence for the sale thereof, agreeably to the Laws of this Province.

Suits to recover Penalties under this Act, to be commenced within 12 months after the offence committed.

X. *Provided always, and be it further enacted by the authority aforesaid,* That no suit or action shall be brought or commenced against any person or any for persons, penalty by this Act imposed, that shall not be brought or commenced within twelve months after the offence or offences respectively committed

Penalties for refusing to appear to be examined as a witness.

XL. *And be it further enacted by the authority aforesaid,* That if any person or persons shall be summoned, as a witness or witnesses, to give evidence before any Justice of the Peace, touching any of the matters relative to this Act, and shall neglect or refuse to appear at the time and place for that purpose appointed, without reasonable excuse for such neglect or refusal, to be allowed of by the said Justices of the Peace before whom the prosecution shall be depending, that then every such person shall forfeit for every such offence, the sum of ten pounds, current money aforesaid with costs, to be levied, recovered and paid in such manner and by such means, as are herein-before directed; and for want of sufficient distress, the offender or offenders shall be sent by such Justices of the Peace, to the nearest Gaol for such time, not exceeding two months, nor less than one month, as such Justices of the Peace shall think they merit.

Penalties by this Act imposed, how to be paid and accounted for.

XII. *And be it further enacted by the authority aforesaid,* That the moiety of every pecuniary penalty or satisfaction by this Act imposed, shall belong to His Majesty, His Heirs and Successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the Receiver-General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner as it shall please His Majesty to direct, and the other moiety thereof shall belong to the person or persons who shall sue for the same.

Limitation of Action for any thing done in pursuance of this Act.

XIII. *And be it further enacted by the authority aforesaid,* That if any action or suit, shall be brought or commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit shall be commenced, within six months next after the matter or thing done, and not afterwards; and the defendant or defendants, in such action or suit may plead the general issue, and give this Act, and the special matter in evidence

evidence, at any trial to be had thereupon; and if afterwards judgment shall be given to the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuited, or discontinue his, her or their action or suit, after the defendant or defendants shall have appeared, then such defendant or defendants shall have treble costs awarded to him, her or them, against such plaintiff or plaintiffs, and have the like remedy for the same as any defendant or defendants hath or have in other cases, to recover costs at law.

Pleading and Costs.

XIV. *Provided always, and be it further enacted by the authority aforesaid,* That nothing in this Act contained, shall extend or be construed to extend, to authorize any person or persons, who shall or may be Licenced as aforesaid, to offer and expose to sale, any goods, wares or merchandize, which shall not be bona fide the property of such person so Licenced as aforesaid.

Cases to which this Act does not extend.

XV. *Provided nevertheless,* That nothing in this Act, shall extend or be construed to extend, to compel any person or persons, to take out Licence as aforesaid, who may only import into this Province the following articles, viz: wheat, flour, pease, beans, oats, barley, indian corn and meal, rye, staves and heading, oak, pine and fir timber, and other Lumber, pot and pearl ashes, furs and skins not dressed, beef, pork, sheep, swine and live cattle, cheese, butter, and all other articles of provisions; all or any of which articles shall be discharged and disposed of at the Port at which such person shall make entry.

Cases where no Licence is necessary.

XVI. *And be it further enacted by the authority aforesaid,* That this Act shall be in force, for and during the space of two years.

Continuance of this Act.
(See 38 Geo. III. c. 5.)

C H A P. XXXV.

An Act for granting to His Majesty a sum of Money, and to provide for the appointment of a PROVINCIAL AGENT for this Province.

[Passed 1st April, 1816.]

MOST GRACIOUS SOVEREIGN,

WHEREAS, it is expedient for the welfare of this Province, that a Provincial Agent should reside in England, having access to your Majesty's Government there, whose duty it may be to solicit and explain the interests of this Colony, as well in its relations with the United Kingdom as with the Sister Province of Lower Canada and others, your Majesty's Colonies, We, your Majesty's dutiful and loyal Subjects, the Commons of Upper-Canada, in Provincial Parliament assembled, beseech your Majesty, that it may be enacted, *And be it enacted, by the King's Most Excel-*

Preamble.

Governor to appoint
an Agent on behalf of
this Province, to reside
in Great Britain.
Salary.

lent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to nominate and appoint a sufficient person as an Agent on behalf of this Province, to reside at the seat of His Majesty's Government in Great Britain, which Agent shall and is hereby entitled to receive the yearly salary of Five Hundred Pounds Sterling, which salary of five hundred pounds sterling, shall be paid by the Receiver General of this Province, from and out of any fund or funds which now are, or which may hereafter come into his hands to and for the public uses of this Province, and unappropriated, in discharge of such warrant or warrants, as shall for that purpose half yearly be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

Office of Agent to be
during good behaviour

II. *And be it further enacted by the authority aforesaid,* That the tenor of the office of Provincial Agent shall be during good behaviour, and that it shall not be lawful to remove him therefrom excepting on the joint address of the Legislative Council and House of Assembly respectively, to the Governor, Lieutenant Governor, or Person administering the Government of this Province.

If Legislative Council and House of Assembly shall address the Governor, requesting him to remove the Agent, he shall be removed.

III. *And be it further enacted by the authority aforesaid,* That when and so often as the Legislative Council and House of Assembly respectively, as aforesaid, shall concur in an address to the Governor, Lieutenant Governor, or Person administering the Government of this Province, and shall request him to remove the said Agent from office, the said Agent shall be, and he is hereby removed, and shall not be entitled to receive any emolument or salary from this Province, from and after the official notification thereof, to His Majesty's Government in Great Britain.

In all cases of vacancies, Governor to appoint a proper person to fill the same.

IV. *And be it further enacted by the authority aforesaid,* That in all cases of vacancies in the said office, occasioned either by the death or removal of any Agent who shall or may be appointed under the authority of this Act, it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint a proper person to fill the same, who shall be, and he is hereby authorized and entitled to receive the same annual salary, as was enjoyed by his predecessor in office, which annual salary shall be paid in like manner as is already provided for in this Act.

V. *Provided always, and be it further enacted by the authority aforesaid,* That in all cases of appointment or removal, the same shall be officially notified in the Government Gazette of this Province, and to the Legislative Council and House of Assembly thereof, if in Session at the time.

In all cases of appointment or removal, the same to be officially notified, &c.

VI. *And be it further enacted by the authority aforesaid,* That it shall be the duty of such Agent to correspond officially, as well with the Governor, Lieutenant Governor, or Person administering the Government of this Province, as with the Speakers of the Legislative Council and House of Assembly thereof respectively, on all matters relative to this Province, to solicit the passing or repeal of Acts affecting this Province, the enacting of regulations respecting the commercial interests thereof, and generally to perform all the duties incidental or appertaining to the office of Provincial Agent, from any other of His Majesty's Colonies in North America, or the West Indies.

Agent to correspond as well with the Governor, as with the Speakers of the Legislative Council and House of Assembly.

C H A P. XXXVI.

An Act granting to His Majesty a sum of Money, to be applied to the use of COMMON SCHOOLS throughout this Province, and to provide for the Regulations of said Common Schools.

[*Passed 1st April, 1816.*]

MOST GRACIOUS SOVEREIGN,

WHEREAS, it would be conducive to the happiness of the inhabitants and general prosperity of this Province, to encourage the Education of Youth in Common Schools; We your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada, in Provincial Parliament assembled, most humbly beseech your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That for the establishment of Common Schools, in each and every District of this Province, there shall be annually paid, during the continuance of this Act, the sum of six thousand pounds in manner hereinafter mentioned, out of any monies which are now raised or levied, or which hereafter may be raised or levied, by authority of Parliament, to or for the uses of this Province; of which said sum of six thousand pounds, there shall be paid annually to the Home District, six hundred pounds; to the District of Newcastle, four hundred pounds; to the Midland District, one thousand pounds; to the District of Johnstown, six hundred pounds; to the Eastern District,

Preamble.

£6000 to be annually paid for the establishment of Common Schools, in manner following:

Home District,	£600
Newcastle Dist.	£400
Midland Dist.	£1000
Johnstown Dist.	£600
Eastern Dist.	£800

Dist. of London, £600.
Dist. of Gore, £600.
Niagara Dist. £600.
Western Dist. £600.
Dist. of Ottawa, £200.

District, eight hundred pounds; to the District of London, six hundred pounds; to the District of Gore, six hundred pounds; to the Niagara District, six hundred pounds; to the Western District, six hundred pounds; to the District of Ottawa, two hundred pounds.

Inhabitants of any Town, &c. to meet to make arrangements for Common Schools.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, it shall and may be lawful, for the inhabitants of any Town, Township, Village, or Place, to meet together for the purpose of making arrangements for Common Schools in such Town, Township, Village, or Place, on or before the first day of June in the present year, and on the first day of June in each and every year during the continuance of this Act.

When a competent number of persons shall unite and build a School House, furnish 20 scholars and in part provide for the payment of a Teacher, such persons giving eight days notice to meet and appoint three fit persons Trustees to the said School who have power to appoint a Teacher of said Common School.

III. *And be it further enacted by the authority aforesaid*, That so soon as a competent number of persons as aforesaid, shall unite and build or provide a School-House, engage to furnish twenty Scholars or more, and shall in part provide for the payment of a Teacher, it shall and may be lawful for such persons as aforesaid, or the majority of them, giving eight days previous notice thereof, to meet at some convenient place appointed for that purpose, and it shall and may be lawful for such persons as aforesaid, and they are hereby required to appoint three fit and discreet persons Trustees to the said Common School, who shall have power and authority to examine into the moral character and capacity of any person willing to become Teacher of of such Common School, and being satisfied of the moral character and capacity of such Teacher, to nominate and appoint such person as the Teacher of said Common School.

No person to be appointed a Teacher unless a natural born subject, &c.

IV. *Provided always nevertheless and be it enacted by the authority aforesaid*, That no person shall be appointed Teacher to such Common School unless such person is a natural born subject of His Majesty, or a subject of His Majesty naturalized by Act of the British Parliament, or a subject of His Majesty having become such by the conquest and cession of the Province of Quebec, or by having taken the oath of allegiance to His Majesty.

And having taken the Oath of Allegiance.

Trustees have power to remove Teacher for any impropriety of conduct,

V. *And be it further enacted by the authority aforesaid*, That the said Trustees or the majority of them, shall have power and authority under the provisions hereinafter mentioned for that purpose, in their discretion to remove such Teacher as aforesaid from his School, for any misdemeanor or impropriety of conduct, and it shall and may be lawful for the said Trustees or the majority of them, in case of decease, dismissal or removal of any Teacher as aforesaid, to nominate and appoint as often as the case may require, one other fit and discreet person as aforesaid, to become such Teacher, as aforesaid. *Provided always nevertheless*, that no Teacher of any Common School under the Provisions of this Act, shall be removed or dismissed from his said School, unless the Board of Education hereinafter appointed in each and every District of this Province, sanction the removal or dismissal.

and appoint another person.

No Teacher to be removed unless the Board of Education sanction the removal.

VI. *And be it further enacted by the authority aforesaid,* That the Trustees appointed under and by virtue of this Act, to any Common School as aforesaid, or the majority of them, shall have power and authority to make Rules and Regulations for the good government of the said Common Schools, with respect to the Teacher, for the time being, and to the Scholars, as in their discretion shall seem meet, and that it shall and may be lawful for the said Trustees, and they are hereby required to report to the District Board of Education hereinafter to be appointed, the books used, with the rules and regulations used in the said Schools, once in every three months, *Provided always,* That it shall and may be lawful for the said District Board of Education, on such report as aforesaid, being received, to order and direct such books, or any of them, not to be used in the said Schools, and to rescind the said rules and regulations, or any part of them, if it should be deemed expedient, giving sufficient notice thereof to the said Trustees, who shall warn the subscribers to the said School, to provide other books for the tuition of the said Scholars, and to make such other alterations, rules and regulations in the said Schools as they shall deem necessary, in order that there may be a more uniform system of Education throughout the Province.

Trustees have power to make Rules for the Government of the Schools.

Trustees to report to the Board of Education the books used in the said Schools, once in 3 months.

Board of Education to order books not to be used, and to rescind Rules if deemed expedient.

VII. *And be it further enacted by the authority aforesaid,* That all engagements, contracts, or subscriptions entered into by the subscribers, to any Common Schools, in any District of this Province, with any person or persons, for the erecting, building, or keeping in repair any School House for the purpose aforesaid, or the payment of the Teacher thereof; such subscriber or subscribers, shall be liable to be sued for their subscription, by the said Trustees to such Common Schools, or their successors in office, in any Court in this Province having competent jurisdiction.

All Engagements entered into by Subscribers shall be liable to be sued for their subscription.

VIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Trustees of the Common Schools, in each and every District of this Province, and they are hereby required, once in each and every year, to report to the Board of Education, for that purpose hereinafter appointed, in each and every District of this Province, the state of the Common Schools, which such Trustees aforesaid, shall have the direction of, the number of Scholars, the state of Education, with the different branches taught in the said School, and all other matters and things that may tend to cherish the prosperity of the said Common Schools, or that may in any wise benefit the same, in order that the said Board of Education may report the state of the District Common Schools to the Governor, Lieutenant Governor, or person administering the Government, that the same may be laid before the Legislature at its first meeting for their inspection.

Trustees once a year to report to the Board of Education the state of the Schools, &c.

in order that the Board may report to the Governor, that the same may be laid before the Legislature.

IX. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or person administering the Government, to appoint not more than five fit and discreet persons to compose a Board of Education, in each and every District of this Province, three of whom shall be a quorum, who shall have full power

Governor to appoint not more than five persons to compose a Board of Education in each District, three to be a quorum, who have power to superintend

such Schools, and report annually to the Governor.

to superintend such Common Schools in the Districts for which they are appointed, and shall annually report to the Governor, Lieutenant Governor, or Person administering the Government, the state of the said Common Schools, to be laid before the Legislature at their meeting.

Monies granted to be apportioned to the Teachers to be paid yearly or half yearly.

X. *And be it further enacted by the authority aforesaid*, That the monies granted by this Act, shall be apportioned to the Teachers of the several Common Schools, in each and every District of this Province, to be paid to the Teachers yearly, or half yearly, as may be directed by the said Trustees, in proportion to the number of Scholars educated in such School as aforesaid.

Teachers producing a Certificate signed by the Trustees,

XI. *And be it further enacted by the authority aforesaid*, That the Teachers of such Common Schools established as aforesaid, in any Town, Township, Village or place, in each and every District of this Province, producing a certificate signed by the Trustees of any such Common School, stating his having well demeaned himself as Teacher of the said School for six months, with the number of Scholars educated in the said School, being not less than twenty, in such School as aforesaid, it shall and may be lawful for the Treasurer of the District, to pay to such Teacher his proportion of any sum or sums of money, that may be granted by the Legislature of this Province for Common Schools in the respective Districts thereof during the continuance of this Act.

Treasurer of the District to pay such Teacher.

District board to apply such part of the money granted, not exceeding £100 for the purchase of Books for the use of the Schools.

XII. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the District Boards, to be appointed in each and every District in this Province, to apply such part of the money hereby granted to the several Districts, not exceeding one hundred pounds, as they shall see fit, for the purchase of proper books for the use of the said Common Schools, and after having purchased such books, to cause the same to be distributed for the use of such Schools, in such manner as to them shall seem meet.

Board of Education have full power to proportion the money for the Schools and to send to the Treasurer a copy thereof.

XIII. *And be it further enacted by the authority aforesaid*, That the Board of Education, to be appointed by virtue of this Act, in each and every District of this Province, shall have full power and authority to proportion the sums of money for the Common Schools of the said Districts, and after proportioning the same to each of the said Schools, to send to the Treasurer of the said District, a copy thereof, in order that the Treasurer aforesaid, may discharge the certificates granted to the Teacher as aforesaid; *Provided always*, that no allowance to any Common School, in each and every District of the Province, shall exceed the sum of twenty-five pounds annually; *Provided always nevertheless*, that no allowance whatever shall be paid to the Teacher of any Common School, in any District of this Province, unless the Trustees of the said Common Schools, report to the Board of Education agreeably to the provisions of this Act.

No allowance to any Common School to exceed £25 annually.

No allowance to a Teacher unless the Trustees report to the Board of Education.

XIV. *And be it further enacted by the authority aforesaid,* That when two adjoining Districts may find it convenient to compose such School as aforesaid, a portion of the Scholars of which may reside in each District, that the Trustees of such School shall have full power to make the necessary returns as are required by this Act, and receive an equal proportion of the monies so granted for the support of such Schools, from each of the respective Districts, in proportion to the number of Scholars sent to the said School from each District.

When two adjoining Districts compose such School, the Trustees have power to make the necessary returns, &c.

XV. *And be it further enacted by the authority aforesaid,* That the several sums hereby granted to the several Districts of this Province, shall be paid by the Receiver-General of this Province, to the Treasurer of each District respectively, in discharge of such warrant or warrants as shall from time to time be issued by the Governor, Lieutenant Governor, or person administering the government of this Province, and shall be accounted for by the Receiver-General, to His Majesty, His Heirs or Successors, through the Lords Commissioners of His Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

The several sums granted to be paid by the Recr. Gen. to the Treasurer of each Dist. in discharge of Warrants issued by the Govr.

To be accounted for thro' the Lords Comrs. of the Treasury.

XVI. *And be it further enacted by the authority aforesaid,* That this Act shall be, and is hereby declared to be in force, for and during the term of four years.

Continuance of this Act.

C H A P. XXXVII.

An Act to grant to His Majesty a sum of Money to amend and repair the, PUBLIC HIGHWAYS and ROADS in this Province and to build and repair BRIDGES in the several Districts thereof.

£21,000 granted for the repair of Roads, Bridges, &c.

C H A P. XXXVIII.

An Act to appropriate a Sum of Money to defray the EXPENCES of any COMMISSION for ascertaining Titles to LANDS in the NIAGARA DISTRICT, which shall or may be authorised by any Act of the Parliament of this Province.

£4000 granted for carrying into effect the provisions of an Act, entitled, "An Act to afford relief to persons holding or possessing lands, tenements, or hereditaments in the District of Niagara.

(See 56 Geo. III. c 16.)

C H A P. XXXIX.

An Act to repeal and amend part of an Act passed in the fiftieth year of His Majesty's Reign, entitled, "*An Act to provide for the laying out, amending, and keeping in repair the PUBLIC HIGHWAYS and ROADS in this Province, and to repeal the Laws now in force for that purpose.*"

[Passed 1st April, 1816.]

Preamble.

50 Geo. III. c 1.

18th & 26th Clauses
of 50th Geo. 3d repeal-
ed,
and 30th repealed by
59th Geo. III. 2d Session.

Any person liable to
perform duty may com-
pound as herein men-
tioned.

Every male inhabi-
tant from the age of 21
to 50, not rated on the
Assessment, shall work
on the Highways for
three days.

Penalty for refusal.
In case any person
shall remove to ano-
ther Township, the O-
verseer to grant him a
Certificate.

WHEREAS, it is expedient to repeal certain parts of an Act passed in the fiftieth year of His Majesty's Reign, entitled, "An Act to provide for the laying out, amending, and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose." Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the eighteenth and twenty-sixth clauses of the aforesaid recited Act shall be and the same are hereby repealed.

II. [Repealed by 59th Geo. III. c second Session, after 1st Monday in March, 1820.]

Provided always, That every male inhabitant from the age of twenty-one years to fifty, not rated on the Assessment for any Town, Township, or Place, within this Province, shall be compelled to work on the Highways, three days in every year, within the Township, Town, or Place he may reside in, under the same penalty as is imposed by any Act on persons rated on the Assessment List, and in case any person shall remove from one Township to another, the overseer of the Highways shall grant him a certificate of the labor he has performed, to prevent his being called out again in another Township during the same year.

STATUTES OF UPPER-CANADA,

PASSED IN THE FIRST SESSION OF THE SEVENTH PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FOURTH DAY OF FEBRUARY, AND PROROGUED ON THE SEVENTH
DAY OF APRIL FOLLOWING, IN THE FIFTY-SEVENTH YEAR
OF THE REIGN OF GEORGE III.

FRANCIS GORE, Esquire, LIEUTENANT GOVERNOR.

ANNO DOMINI 1817.

C H A P. I.

An Act to provide for the REPRESENTATION of the COMMONS of the COUNTIES of
WENTWORTH and HALTON in Parliament.

[*Passed 1st February, 1817.*]

WHEREAS, by an Act passed in the fifty-sixth year of His Majesty's
Reign, entitled, "An Act to erect and form a new District, out of
certain parts of the Home and Niagara Districts, to be called the District
of Gore." *It is enacted*, That the Townships of Saltfleet, Barton, Ben-
brook, Glanford, Ancaster, and the Beach between Burlington Bay and
Lake Ontario, and the Promontory near Coot's Paradise, and so much of
the County of Haldimand as lies between Dundas Street and the Onondaga
Village, (commonly called Bear's Foot) including said Village, shall from
henceforth form and be called the County of Wentworth; and that the
Townships of Trafalgar, Nelson, Flamborough, (the latter divided into
Flamborough East and West,) Beverly, and Blocks, No. One, Two, Three,
4 B and

Preamble.

56th Geo. III. c. 19.

and Four, on the Grand River, with the reserved Lands in the rear of the Townships of Blenheim and Blanford, do constitute and form the County of Halton. And whereas, by the Laws now in force, no provision is made for the Representation of the said Counties of Wentworth and Halton, in the Commons House of Assembly of the Province; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, the said Counties of Wentworth and Halton be each represented by one Member.

After the passing of this Act, the Counties of Wentworth and Halton to be each represented by one member.

Governor authorized to issue writs of election for members to serve in Assembly for the Counties of Halton & Wentworth, in like manner as is provided by the 8th clause of the 31st of Geo. 3d.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to issue Writs of Election for Members to serve in the said Assembly, for the Counties of Halton and Wentworth, in like manner as is provided by the eighteenth clause of an Act, passed in the thirty-first year of His Majesty's Reign, entitled, "An Act to repeal certain parts of an Act, passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec.'"

CHAP. II.

An Act to establish a POLICE in the Towns of YORK, SANDWICH, and AMHERSTBURGH.

[Passed 7th April, 1817.]

Preamble.

WHEREAS, it is expedient to provide for the regulation of the Police of the Town of York, in the Home District, and the Towns of Sandwich and Amherstburgh, in the Western District of this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall be lawful for the Magistrates assembled in Quarter Sessions, for each of the said Districts respectively, or the majority of them to make, ordain, constitute, and publish such prudential rules and regulations

Magistrates in Sessions to publish prudential rules relative to paving, lighting, keeping in repair, and improving Streets, to regulate the assize of Bread, &c.

tions as they may deem expedient, relative to paving, lighting, keeping in repair, and improving the Streets of the said Towns respectively, regulating the assize of Bread, Slaughter-houses, and Nuisances; and also, to enforce the said Town-laws relative to Horses, Swine, or Cattle of any kind, from running at large in said Towns, relative to the Inspection of Weights, Measures, Firemen, and Fire Companies. *Provided always*, That nothing herein contained shall extend or be construed to extend to the regulating or ascertaining the price of any Commodities or Articles of Provision, other than Bread, that may be offered for Sale. *Provided also*, That such rules and regulations be not contrary to, or inconsistent with the Laws and Statutes of this Province; and *Provided always*, That the Beach, east of Russel's Creek, and Carriage-way in front of the Town of York, be taken and considered as part of the said Town, and be subject to the regulations of its Police, as aforesaid.

Also, to enforce the town-laws relative to horses, swine, or cattle.

The inspection of weights, measures, firemen and fire companies.

Power of Magistrates not to extend to regulating the price of any articles of provision other than Bread.

The beach east of Russell's creek, and carriage-way in front of the town of York to be subject to the regulations of Police.

II. *And be it further enacted by the authority aforesaid*, That the Magistrates in Quarter Sessions assembled for the said Districts respectively, or the major part of them, in the month of April, in each and every year, may raise by Assessment, from the persons rated upon any Assessment for property in the said Towns respectively, a sum not exceeding One Hundred Pounds in any one year, for purchasing and keeping in repair Fire-Engines, Ladders, Buckets, and other Utensils for the extinguishing of Fires, and for making any other necessary improvements in the said Towns, exclusive of the sum such person may be rated for in and upon any other Assessment of this Province; and in order to carry the said Assessment into effect, it shall be the duty of the Clerk of the Peace for the said Districts respectively, to select from the general Assessments of the said Districts respectively, a List or Assessment of the ratable Property, that each and every person owns or possesses in the said Towns respectively, ready to be laid before the Magistrates in Quarter Sessions assembled for the said Districts respectively, in April, in each and every year.

Magistrates in Sessions in the month of April in every year, may raise by assessment, a sum not exceeding £100 in any one year, for purchasing and keeping in repair fire-engines, buckets, &c. and for making any other necessary improvements, exclusive of other assessments.

Clerk of the Peace to select from the assessments a list of the ratable property that each person owns, to be laid before the Sessions annually in April.

III. *And be it further enacted by the authority aforesaid*, That such Assessment, as aforesaid, shall be raised, levied, collected, and paid, in proportion to the sum that such person is rated for upon any Assessment he may possess or hold in the said Towns respectively, and subject to such rules and regulations as may be made by the Magistrates in Quarter Sessions, for the said Districts respectively, for the purpose of raising, collecting, and paying any sum collected, to the Treasurer of the said District, which said sum shall be applied, from time to time, in such manner for the purposes aforesaid as the Magistrates in Quarter Sessions assembled, or the majority of them, shall direct and appoint.

Assessments to be paid in proportion to the sum each person is rated for upon any assessment, subject to such rules as may be made by the magistrates in sessions.

All sums to be applied from time to time as magistrates in sessions shall direct.

IV. *And be it further enacted by the authority aforesaid*, That the Magistrates in General Quarter Sessions of the Peace, or the major part of them, as often as they shall make and publish any such rules and regulations, for the purposes aforesaid, may make, ordain, limit, and provide, such reasonable Fines upon the offenders against such rules and regulations, as they may think proper, not exceeding forty shillings for any one offence, to be recovered .

Magistrates in sessions may limit and provide reasonable fines upon offenders against the rules &c. as they may think proper, not exceeding 40s for any one offence.

recovered before any Commissioner of the Peace of the said Towns respectively, upon the oath of one credible witness, and levied by warrant, under the hand and seal of such Commissioner, upon the goods and chattels of such offender, and that one moiety of the sum so levied shall go to the Informer, and the other moiety shall be paid to the Treasurer of the said Districts, for the uses of the said Towns respectively.

Every rule before it shall have effect shall be posted up in three public places in the town.

V. *And be it further enacted by the authority aforesaid*, That every such rule and regulation, so made as aforesaid, before it shall have effect shall be published, and also be posted up in three or more public places in the said Towns respectively.

Magistrates authorized to order the same fees to be paid to the treasurer, collector and clerk of the Peace, for the extra duties imposed by this Act, as are paid to the said officers under any assessment law of this Province.

VI. *And be it further enacted by the authority aforesaid*, That the Magistrates, as aforesaid, shall, and they are hereby authorized to order the same fees to be allowed and paid to the Treasurer, Collector, and Clerk of the Peace, for the extra duties imposed by this Act, as are paid to the said Officers under any Assessment Law of this Province.

C H A P. III.

An Act granting to His Majesty a sum of MONEY for certain purposes therein mentioned

£9201 2 2 1-2 appropriated, and to be applied towards defraying for the present year the charges herein specified.

C H A P. IV.

An Act to establish a MARKET in the Town of NIAGARA, in the Niagara District

Passed 7th April, 1817.

Preamble.

WHEREAS, it is expedient for the convenience of the Inhabitants of the District of Niagara, that a Market should be established in the Town of Niagara, in the said District, and that the time and place for holding such Market should be ascertained. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Commissioners

missioners of the Peace in the District of Niagara, in their Court of General Quarter Sessions assembled, and they are hereby authorized and empowered to fix upon and establish some convenient place in the Town of Niagara as a Market, where Butcher's Meat, Butter, Eggs, Poultry, Fish, and Vegetables shall be exposed to sale, and to appoint such days and hours for that purpose, and to make such other orders and regulations relative thereto as they shall deem expedient.

After the passing of this Act Commissioners of the Peace to fix upon a convenient place in the town of Niagara, as a Market, where butcher's meat &c. shall be exposed to sale, and to make regulations relating thereto.

II. *And be it further enacted by the authority aforesaid*, That the said Commissioners shall be, and they are hereby authorized and empowered to impose such fines, not exceeding twenty shillings, for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Commissioners authorized to impose fines not exceeding 20s. for any offence.

III. *And be it further enacted by the authority aforesaid*, That all such orders, rules and regulations, shall be published by causing a copy of them to be affixed in the most public place in every Township in the said District, and at the doors of the Church and Court House of the said Town of Niagara, and that such orders, rules and regulations shall not be in force, until three weeks after such publication.

All such regulations to be published.

IV. *And be it further enacted by the authority aforesaid*, That if any person shall transgress the orders and regulations so made by the said Commissioners, such person shall for every such transgression, forfeit the sum which in every such order, rule and regulation shall be specified, to be recovered by information, before any one Commissioner of the Peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such Commissioner, upon the goods and chattels of such offender; and that the one moiety of the sum so levied, shall go to the Informer, the other moiety shall be paid into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

If any person shall transgress, he shall for every transgression forfeit the sum in the regulation specified.

One moiety of the sum to go to the informer, the other moiety to be paid to the Receiver General for the public uses of this Province.

V. *And be it further enacted by the authority aforesaid*, That the Magistrates in Quarter Sessions assembled for the said District, or the major part of them, in the month of July, in the present year, may raise by assessment, from the persons rated upon any assessment for property in the said Town of Niagara, a sum not exceeding one hundred pounds, for the purpose of erecting a Market House in the said Town of Niagara, exclusive of the sum such person may be rated for in and upon any other assessment of this Province; and in order to carry the said assessment into effect, it shall be the duty of the Clerk of the Peace for the said District, to select from the general assessments of the said District, a list or assessment of the ratable property, that each and every person owns or possesses in the said Town of Niagara, ready to be laid before the Magistrates in Quarter Sessions assembled for the said District, in the month of July.

Magistrates in Sessions may raise by assessment a sum not exceeding £100, for the purpose of erecting a Market-house.

Clerk of the Peace in the assessment to insert the names of persons holding town-lots in the town of Niagara.

VI. *And be it further enacted by the authority aforesaid,* That the Clerk of the Peace, shall in the list or assessment so to be made out as aforesaid, insert the name or names of each and every person or persons holding Town lots, in the said Town of Niagara, as far as it may be in his power to ascertain the same.

Each town-lot shall in the list to be made out be rated at the sum of fifty pounds currency

See 59 Geo. III. 2d Session.

VII. *And be it further enacted by the authority aforesaid,* That to enable the Magistrates in Sessions, to raise the sum of one hundred pounds aforesaid with equity, each and every town lot in the Town of Niagara, shall in the list to be made out by the Clerk of the Peace as aforesaid, be rated at the sum of fifty pounds, Province Currency.

C H A P. V.

60 Geo. III. c. 17.

An Act to repeal part of, and amend an Act, passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act to repeal part of, and to alter and amend the Laws now in force, for GRANTING PENSIONS to PERSONS disabled in the SERVICE, and the WIDOWS and CHILDREN of Persons who have been killed in the Service," and to extend the Provisions of the same.

[Passed 7th April, 1817.]

Preamble.

Second clause of the 60th Geo. 3d. repealed

WHEREAS, it is expedient to repeal part of, and amend an Act, passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act to repeal part of, and to alter and amend the Laws now in force, for granting Pensions to persons disabled in the Service, and the Widows and Children of persons who may have been killed in the Service," and to extend the provisions of the same; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That the second clause of the said recited Act be, and the same is hereby repealed.

When any Militia officer or private Militia man, acting as provincial artillery driver, or in the coloured corps, or employed with the Indians, shall have been in any engagement with the enemy, or by any accident while performing any duty in actual service,

II. *And be it further enacted by the authority aforesaid,* That when any Militia Officer, Non-commissioned Officer or Private Militia-man, or Militia-Officer, Non-commissioned Officer or Private Militia-man, acting as Provincial Artillery Driver, or in the Coloured Corps, or employed with the Indians, or Teamster, shall be or may have been in any engagement with the enemy, or by any accident or casualty which shall occur or may have occurred, while in performing any duty on actual service, wounded or disabled, so as to be rendered incapable of hard labor, such wounded or disabled

abled Militia Officer, Non-commissioned Officer or Private Militia-man, or Militia Officer, Non-commissioned Officer or Private Militia-man, acting as Provincial Artillery Driver, or in the Coloured Corps, or employed with the Indians, or Teamster, shall receive during such incapacity, an annuity of twenty pounds.

III. *And be it further enacted by the authority aforesaid,* That when any Militia Officer, Non-commissioned Officer or Private Militia-man, or Militia Officer, Non-commissioned Officer or Private Militia-man, acting as Provincial Artillery Driver, or in the Coloured Corps, or employed with the Indians, or Teamster, shall die or may have died, before he shall have fully recovered from the incapacity occasioned by his being so wounded or disabled, and shall leave or may have left a Wife or Child or Children, in that case the Widow, Child or Children of such person, shall be entitled to receive the said annuity, in like manner, and under the like limitations and restrictions as the Widows and Children of persons killed in the service, are hereby allowed to receive the same. *Provided always,* That nothing herein contained shall extend, or be construed to extend, to allow any person receiving a Pension, in any of His Majesty's Colonies in America, to be inserted in any Pension-list in this Province. *And provided also,* That if any person or persons, shall or may have lost, or who shall or may lose an eye, while on, or performing any Militia Duty on actual service, he or they shall be entitled to claim and receive such Pension or Pensions as aforesaid, without producing any certificate of a Surgeon, that he or they are incapable of hard labour. *And Provided also,* That the certificate of the Commanding Officer, or Senior Officer of the Regiment or Battalion, to which such person shall or may have belonged, or shall or may belong, at the time of losing such eye as aforesaid, shall state, that such person or persons hath lost his eye in performing such Militia Duty as aforesaid.

IV. *And be it further enacted by the authority aforesaid,* That in all cases of mental derangement or imbecility, by which any person or persons entitled to such Pension or Pensions as aforesaid, may be incapacitated from taking any of the affidavits required by the above recited Act, an affidavit of the Guardian or Guardians, Trustee or Trustees, stating the fact, and that such person or persons, is, or are truly entitled under the provisions of the above recited Act, to such Pension as aforesaid, if accompanied by the other formalities required, by the before recited Act, be sufficient authority to the Agent to pay such Pension as aforesaid.

V. And whereas, many persons entitled to Pensions, may have died without having received the whole, or any part of the Pension or Pensions, to which they may have been respectively entitled; *Be it enacted by the authority aforesaid,* That the Executors or Administrators of such persons respectively as aforesaid, shall be entitled to claim the amount of such Pension or Pensions due at the time of the death of such person or persons as aforesaid, and the said Agent is hereby authorised to pay the same.

wounded or disabled, so as to be incapable of hard labour, such person to receive, during such incapacity, an annuity of £20.

When any Militia officer, &c. shall die, or may have died before he shall have fully recovered, &c. and shall leave, or may have left a wife or child, the widow, wife, or child to be entitled to receive the said annuity, in like manner as the widows and children of persons killed in the service.

No person receiving a pension in any of His Majesty's colonies in America, to be inserted in any Pension-list in this Province.

Any person losing an eye, while on duty on actual service, entitled to receive such pension

Certificate of Commanding officer to state that such person lost his eye in performing Militia duty.

In all cases of mental derangement, by which any person may be incapacitated taking the usual affidavits, an affidavit of the guardian, trustee, &c. stating the fact, &c. shall be sufficient authority to the agent to pay such pension.

Executors or administrators of such persons, entitled to claim the amount of pensions due at the time of the death of such persons, and the agent is authorized to pay the same.

(See 53d Geo. III. c. 4. 5th, c. 6, & 56th c. 17.)

C H A P. VI.

An Act to make good certain MONIES issued and advanced by His Excellency the Lieutenant Governor, in pursuance of several Addresses during the last Session.

C H A P. VII.

An Act to repeal part of, and alter and amend an Act passed in the thirty-third year of His Majesty's Reign, entitled "*An Act to provide for the nomination and appointment of PARISH and TOWN OFFICERS within this Province.*"

[Passed 7th April, 1817.]

Preamble.
33 Geo. III. c. 2.

So much of an Act passed in the 33d Geo. 3d, Ch. 2, as relates to the inhabitants assembling on the first Monday in March, for choosing Parish officers, is hereby repealed.

From and after the passing of this Act, the inhabitants of every Township to assemble on the first Monday in January, in every subsequent year.

WHEREAS it is expedient to alter the time for holding Town Meetings, in the different Townships throughout this Province, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, that from and after the passing of this Act, so much of an Act passed in the thirty-third year of His Majesty's Reign, entitled "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province" as relates to the inhabitants householders assembling on the first Monday in March, for the purpose of choosing and nominating the Parish and Town Officers, be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid, That from and after the passing of this Act, it shall and may be lawful for the inhabitants householders of each and every Township, reputed Township or Place, to assemble on the first Monday in the month of January in every subsequent year, for the purpose of choosing and nominating Parish and Town Officers, agreeable to the said Act passed in the thirty-third year of His Majesty's Reign, entitled "An Act to provide for the nomination and appointment of Parish and Town Officers within this Province," except so much of the said Act as is hereby repealed.*

C H A P. VIII.

An Act further to continue an Act passed in the forty-sixth year of His Majesty's Reign, entitled, "*An Act to make provision for CERTAIN SHERIFFS in this Province,*" and also to extend the provisions of the said Act.

[*Passed 7th April, 1817.*]

MOST GRACIOUS SOVEREIGN.

WHEREAS, an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, "An Act to continue an Act passed in the forty-sixth year of His Majesty's Reign, entitled, 'An Act to make provision for certain Sheriffs in this Province,' will shortly expire; And whereas, it is expedient that the said Act passed in the forty-sixth year of His Majesty's Reign, should be further continued, and the provisions thereof extended; May it please your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the said Act of the forty-sixth year of His Majesty's Reign, and every part thereof shall be and the same is hereby continued.

II. *And be it further enacted by the authority aforesaid,* That from and out of the rates and duties already raised, levied and collected, or hereafter to be raised, levied and collected, to and for the uses of this Province, there shall be granted annually to His Majesty, His Heirs and Successors, the sum of one hundred pounds currency, out of the Provincial Treasury, from such monies now remaining or which may hereafter come into the Receiver-General's hands unappropriated, which said sum of one hundred pounds shall be appropriated and applied for the payment of salaries, to the persons hereafter mentioned, in manner following, that is to say; to the Sheriffs of the District of Gore and Ottawa for the time being, the sum of fifty pounds respectively.

III. *And be it further enacted by the authority aforesaid,* That the monies hereby granted to His Majesty, shall be paid by the Receiver-General in discharge of such warrant or warrants as shall for the purposes aforesaid be from time to time issued, by the Governor, Lieutenant Governor or Person administering the Government, and the said Receiver-General shall account to His Majesty for the same, through the Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty shall direct.

Preamble.

46 Geo. III. c. 1.

46th Geo. 3d, Ch.1,
continued.

£100 currency, granted annually to be appropriated and applied for the payment of salaries to the sheriffs of the Districts of Gore and Ottawa, fifty pounds respectively.

To be paid in discharge of such warrants as shall be issued by the Governor.

To be accounted for through the Commissioners of His Majesty's Treasury.

This Act to continue in force 4 years, and from thence to the end of the next Session of Parliament.

IV. *And be it further enacted by the authority aforesaid*, That this Act shall continue and be in force four years, and from thence to the end of the then next ensuing Session of the Provincial Parliament.

C H A P. IX.

An Act to enable the Commissioners of GAOL DELIVERY and OYER and TERMINER to proceed, although the Court of King's Bench be sitting in the Home District, for which they are Commissioned.

[*Passed 7th April, 1817.*]

Preamble.

When any Session of Oyer and Terminer and Gaol delivery for the Home District, shall have been begun to be holden before the first day of any term—the said Session shall be continued to be holden and the business concluded, notwithstanding the sitting of the Court of King's Bench.

(See 34 Geo. III. c 2.)

WHEREAS, by construction of Law without special provision to the contrary, the meeting of the Court of King's Bench, in any District supersedes all Commissions of Oyer and Terminer and Gaol Delivery; And whereas, it may so happen that the business of the Spring Assize, in the Home District, may not be concluded before the first day of Easter Term; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That when any Session of Oyer and Terminer and Gaol Delivery for the Home District, shall have have been begun to be holden before the first day of any Term, that the said Session shall continue to be holden and the business thereof finally concluded, notwithstanding the sitting of His Majesty's Court of King's Bench within the said District; and that all trials and proceedings, as well as judgments, had at such Session so continued to be holden, shall be good and effectual to all intents and purposes, as if the said Session of the Court of King's Bench had not been.

STATUTES OF UPPER-CANADA,

PASSED IN THE SECOND SESSION OF THE SEVENTH PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE FIFTH DAY OF FEBRUARY, AND PROROGUED ON THE FIRST
DAY OF APRIL FOLLOWING, IN THE FIFTY-EIGHTH YEAR
OF THE REIGN OF GEORGE III.

SAMUEL SMITH, ESQUIRE, ADMINISTRATOR.

ANNO DOMINI 1818.

C H A P. I.

An Act to impose a duty upon persons selling WINE, BRANDY and other SPIRITUOUS
LIQUORS, by WHOLESALE.

[*Passed 1st April, 1818.*]

WHEREAS, for the better support of the Government of this Province, and for promoting the internal improvement of the same, it is expedient to increase the Revenue thereof: We your Majesty's most dutiful and loyal Subjects the Commons of Upper-Canada, in Provincial Parliament assembled, beseech your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for

Preamble.

for the Government of the said Province," and by the authority of the same, That there shall be raised, levied, collected, and paid to His Majesty, His Heirs and Successors, to and for the public uses of this Province, and the support of the Government thereof, the Duties hereinafter mentioned, for and upon the respective Licences, to be taken out in the manner and by the persons herein after mentioned.

Licence to be taken out by wholesale vendors of Wine, Brandy, or other Spirituous Liquors.

II. *And be it further enacted by the authority aforesaid*, That from and after the first day of June next, and from and after the fifth day of January in each and every year ensuing, there shall be taken out a Licence by every Merchant, Shopkeeper, Trader, or Dealer, who may sell or vend any Wines, Brandy, or other Spirituous Liquors, by wholesale; that is to say, three gallons and upwards, and who have not taken out a Licence to sell, vend, and retail Wines, Brandy, or other Spirituous Liquors, for which Licence there shall be paid, at the time such Licence shall be taken out, the sum of five pounds of lawful money of this Province.

Duty on such Licence.

By whom to be issued.

III. *And be it further enacted by the authority aforesaid*, That the Licence herein before mentioned shall be granted by the Governor, Lieutenant Governor, or Person administering the Government of this Province, through the Inspector in each and every District, and for every such Licence that shall be delivered to the Inspector, there shall be paid by the person or persons applying for the same to the Inspector, the sum of two shillings, and six pence, current money, for issuing the same, and no more.

Fee to the Inspector on issuing the same.

IV. [Repealed by 59th Geo. III. c 17, s 1.]

When Inspectors shall account.

V. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for each and every Inspector of this Province, and each and every of them is and are hereby required to render, within one month after the fifth day of January in each and every year during the continuance of this Act, to the Inspector General of this Province, a just, true, and faithful account, to be verified on oath, of all monies which he or they shall receive under and by virtue of any Act of the Parliament of this Province, and such Inspector and Inspectors, as aforesaid, shall also pay or cause to be paid into the hands of the Receiver General of this Province, within two months thereafter, all such monies as he and they shall have so received.

VI. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful to and for each and every such Inspector, as aforesaid, and each and every of them is and are hereby required to transmit to the Inspector General of this Province, every three months thereafter, a just, true, and faithful account, to be verified on oath, of all such monies as he and they shall collect and receive under and by virtue of any Act of the Parliament of this Province, and such Inspector and Inspectors shall, in one month subsequent thereto, pay or cause to be paid into the hands of the Receiver General of this Province, all such monies as he and they shall have so received.

VII. *And be it further enacted by the authority aforesaid,* That if any Merchant, Shopkeeper, Trader, or Dealer in Wines, Brandy, or other Spirituous Liquors, who shall not have taken out a Licence to sell Wines, Brandy, or other Spirituous Liquors, by wholesale or retail, shall sell, vend, or expose to sale any Wines, Brandy, or other Spirituous Liquors, as aforesaid, without first having obtained a Licence for that purpose from such Inspector, as aforesaid, he shall forfeit and pay the sum of fifteen pounds, to be recovered on the oath of one or more credible witness or witnesses, other than the informer, before any two of His Majesty's Justices of the Peace, the nearest to the place where the offence may have been committed, to be levied by distress and sale of the offender's goods and chattels, together with all reasonable costs both before and after conviction; and in default of payment of such fine or fines, or in default of such goods and chattels, to be committed to the common Gaol of the District, for a term not exceeding four nor less than one calendar month.

Penalty for selling Spirituous Liquors by wholesale without Licence.

How to be recovered.

Imprisonment in default of payment, or goods.

VIII. *And be it further enacted by the authority aforesaid,* That the moiety of every pecuniary penalty or satisfaction by this Act imposed shall belong to His Majesty, His Heirs and Successors, and shall also be paid by the person or persons respectively receiving the same into the hands of the Receiver General, to and for the use of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Civil Government thereof, to be accounted for to His Majesty, through the Lords Commissioners of His Treasury for the time being, in such manner and form as it shall please His Majesty to direct, and the other moiety thereof to the informer, or person who shall sue for the same.

Distribution of Penalties.

Informer.

Limitation of Complaint.

Six months.

Per centage to be retained by Inspector.

IX. *Provided also, and be it further enacted by the authority aforesaid,* That no information or complaint shall be received under this Act, if more than six calendar months have elapsed since the time of offence committed.

X. *And be it further enacted by the authority aforesaid,* That the said Inspector shall retain and take at the rate of five per cent. for every hundred pounds he shall so collect, as aforesaid, during the continuance of this Act, and all monies so paid by the said Inspector into the hands of the Receiver General, shall be by him accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

Duties how to be accounted for.

Continuance of this Act.

(See 54th Geo. III. c. 10, & 59th c. 17.)

XI. *And be it further enacted by the authority aforesaid,* That this Act shall be and continue in force for two years, and from thence to the end of the then next ensuing Session of the Provincial Parliament.

C H A P. II.

An Act to repeal part of an Act, passed in the fifty-sixth year of His Majesty's Reign, entitled,
*"An Act to alter the time of holding the COURTS of GENERAL QUARTER SESSIONS
of the Peace, in the LONDON and JOHNSTOWN DISTRICTS."*

[*Passed 1st April, 1818.*]

Preamble.

56, Geo. 3, chapter 1,
repealed.

So much thereof as
relates to the District of
Johnstown repealed.

This Act not to take
effect before the first of
June next.

WHEREAS, by an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act to alter the time of holding the Courts of General Quarter Sessions of the Peace in the London and Johnstown Districts of this Province, the time of holding the said Courts of General Quarter Sessions are altered in the said London and Johnstown Districts, and whereas it is expedient, as far as relates to the Johnstown District to repeal the same; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That so much of the second clause of the said Act as declares that the said Courts of General Quarter Sessions of the Peace be holden in the Johnstown District on the second Tuesday in the months of January, April, July, and October, be, and the same is hereby repealed. *Provided always*, That this Act shall not take effect until the first day of June next.

C H A P. III.

An Act to enable ROBERT CARTWRIGHT, son of the late Honorable Richard Cartwright, deceased, to surrender certain Lands in the Town of Kingston to His Majesty, His Heirs and Successors.

[*Private.*]

C H A P. IV.

An Act to regulate the COSTS in certain Cases in the Court of KING'S BENCH.

[*Passed 1st April, 1818.*]

Preamble.

(See 34th Geo. III. c
54 & 2.

WHEREAS, the District Courts, established in the several Districts of this Province, were intended as well to relieve defendants from the charge of answering in the Superior Court, as to facilitate the suitors; and

and whereas, suits of the proper competence of the said District Courts, are frequently brought into the Court of King's Bench, having concurrent jurisdiction, to the great increase of costs and charges to the parties: For remedy whereof, Be it therefore enacted by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That in any suit hereafter to be brought in the Court of King's Bench, which suit may be of the proper competence of the District Court, no more costs shall be taxed against the defendant, than would have been incurred in the District Court, in the same action, unless the Judge, who tried the cause of such suit or action, shall certify in open Court at the trial, that it was a fit cause to be withdrawn from the District Court, and commenced in the Court of King's Bench.

In Actions hereafter brought in the King's Bench, which the District Courts are competent to try, none but District Court costs shall be taxed against the defendant, unless the Judge certifies, &c.

II. *And be it further enacted by the authority aforesaid*, That the defendant's costs taxed between client and attorney in such suit not so certified, or so much thereof as shall exceed the costs taxable in the District Court, in such case shall be set off, against the plaintiff's costs taxed, to be recovered from defendant.

And so much of defendant's costs taxed against him by his Attorney as exceed the costs in the District Court, shall be charged to the plaintiff.

CHAP. V.

An Act to continue, repeal part of, and amend an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "*An Act for granting to His Majesty Duties on Licences to HAWKERS, PEDLARS and PETTY CHAPMEN and other Trading Persons therein mentioned.*" and to extend the provisions of the same.

56 Geo. III. c. 34.

[*Passed 1st April, 1818.*]

WHEREAS, an Act passed in the fifty-sixth year of the Reign of our Sovereign Lord the King, entitled, "*An Act granting to His Majesty, Duties on Licences to Hawkers, Pedlars and Petty Chapmen, and other Trading Persons therein mentioned.*" will shortly expire; and whereas, it is expedient to continue and amend the same; Be it enacted by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, *An Act for making more effectual provision for the Province of Quebec in North*

Preamble.

56th Geo. 3, chap. 34, continued.

Except the 1st, 2d,
7th and 8th Clauses.

North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the said Act, with the exception of the first, second, seventh and eighth clauses thereof, which are hereby repealed, shall be and remain in force for and during the continuance of this Act.

Duties on Licences
to be taken out by
Hawkers, Pedlars and
Petty Chapmen.

When Licence to be
taken out.

By whom.

Amount of Duties
thereon.

Authority to seize
any Hawker, Pedlar,
&c. trading without a
Licence. -

Or refusing to pro-
duce his Licence.

Three or more Jus-
tices on complaint may
fine offenders.

II. *And be it further enacted by the authority aforesaid,* That there shall be raised, collected and paid to His Majesty, His Heirs and Successors, to and for the Public uses of this Province, and the support of the Government thereof, the several and respective Duties therein mentioned, for and upon the respective Licences, to be taken out in manner and by the persons hereinafter mentioned; that is to say, from and after the fifth day of April in this and every ensuing year, during the continuance of this Act, there shall be taken out a Licence by every Hawker, Pedlar, Petty Chapman and any Trading Person or Persons, such person or persons having taken the oath of allegiance to His Majesty, going from town to town, or to other men's houses, or who have not become house-holders by permanent residence in any town or place within this Province, by or for the space of one year, previous to the passing of this Act, or travelling either on foot, or with a horse or horses, mule or mules, or other beast bearing or drawing burthen; boat or boats, decked vessels or other craft or otherwise within this Province, carrying to sell or exposing to sale, any goods, wares or merchandize, for which Licence there shall be paid the following sums, at the time such Licence be taken out:—For every man traveller on foot, five pounds current money of this Province, for every horse, ass or mule, or other beast bearing or drawing burthen, an additional sum of five pounds; for every man sailing with a decked vessel, trading and exposing for sale, goods, wares and merchandize, on board or from the same, the sum of twenty-five pounds; for every man trading with a boat or other craft, and exposing for sale, goods, wares and merchandize, for each boat or craft the sum of twenty pounds.

III. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any Justice of the Peace, Collector, Deputy Collector, Constable or Peace Officer, to seize and detain any such Hawker, Pedlar or Petty Chapman, or other Trading Persons as aforesaid, who shall be found trading without a Licence, contrary to this Act, or being found trading, shall refuse or neglect to produce a Licence according to this Act, after being required so to do, in order to his or her being carried, and they are hereby required to carry such person or persons so seized, unless he or they shall produce their respective Licences, before three or more of His Majesty's Justices of the Peace, the nearest to the place where such offence or offences shall be committed, which said three or more Justices of the Peace, are hereby authorised and strictly required, either upon the confession of the party offending, or due proof by witness or witnesses, other than the informer, upon oath, which oath they are hereby empowered to administer, that the person or persons so brought before them had so traded as aforesaid without a Licence, and in case no such Licence shall be produced by such offender or offenders, before such Justices, the said Justices by

by warrant under their hands and seals, directed to a Constable or other Peace Officer, shall cause a sum not exceeding twenty pounds, nor less than five pounds, with reasonable costs, to be forthwith levied by distress and sale of the goods, wares, and merchandise of such offender or offenders, or of the goods with which such offender or offenders shall be found trading, as aforesaid, rendering the overplus (if any there be) to the owner or owners thereof, after deducting the reasonable charges for taking the said distress; and for want of sufficient distress, the offender or offenders shall be sent to the nearest gaol of such District, for a time not exceeding six months, nor less than one month, as such Justices of the Peace shall think most proper.

Amount of penalty.

Imprisonment in default of distress.

IV. *And be it further enacted by the authority aforesaid,* That the Collectors acting by virtue of and under the authority of this Act, shall, and they are hereby required to make returns to the Inspector General of this Province, and transmit all such monies as may come to their hands, to the Receiver General of this Province, in like manner and subject to the same penalties as Inspectors and Collectors now are by virtue of any Law now in force in this Province.

Collectors to account,

and pay over monies.

V. *And be it further enacted by the authority aforesaid,* That the Duties levied, collected, and paid, by virtue of this Act, and one moiety of every pecuniary penalty or satisfaction by this Act imposed, shall belong to His Majesty, His Heirs and Successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the Receiver General, to and for the uses of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner as it shall please His Majesty to direct, and the other moiety of such pecuniary penalty or satisfaction shall belong to the person or persons who shall sue for the same.

Appropriation of penalties.

Informet.

VI. *And be it further enacted by the authority aforesaid,* That this Act shall continue and be in force four years and from thence to the end of the then next ensuing Session of Parliament.

Continuance of this Act.

C H A P. VI.

An Act granting to His Majesty a Duty on Licences to AUCTIONEERS, and on Goods, Wares, and Merchandise sold by Auction.

[Passed 1st April, 1818.]

MOST GRACIOUS SOVEREIGN.

WHEREAS, it is expedient to increase the Revenue of this Province to meet the increased expenditure of the same; and whereas it

Preamble.

would be for the advantage of the said Province if all persons using or exercising the trade or business of an Auctioneer, should be obliged to take out a Licence for that purpose, specifying their names and places of abode respectively, and to grant unto Your Majesty a certain rate upon all sales of goods, wares, and merchandise whatsoever, sold by way of Auction, as herein after mentioned: We your Majesty's dutiful and loyal Subjects, the Commons of Upper-Canada, in Provincial Parliament assembled, do most humbly beseech Your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, all and every person or persons who shall exercise the calling or occupation of an Auctioneer, shall, and they are hereby required to take out a Licence, as aforesaid, on or before the first day of June next, before he, she, or they shall presume hereafter to exercise such calling or occupation of an Auctioneer.

Auctioneers required to take out licences.

When.

And pay £5 for the same.

II. *And be it further enacted by the authority aforesaid,* That all and every person or persons who shall exercise the calling or occupation of an Auctioneer, shall yield and pay annually, to and for the use of His Majesty, His Heirs and Successors, for a Licence to use and exercise the said calling or occupation, the sum of five pounds.

By whom to be issued.

Fee to the Collector.

III. *And be it further enacted by the authority aforesaid,* That the Licences herein before mentioned shall be granted by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and for every such Licence that shall be delivered, there shall be paid by the person or persons applying for the same to the Collector, the sum of five shillings, current money, and no more, for issuing the same.

Penalty for neglect to take out the licence and to exhibit in a conspicuous manner in his auction room, his name and trade as auctioneer

How to be recovered.

IV. *And be it further enacted by the authority aforesaid,* That any person or persons who shall neglect to take out such Licence, as aforesaid, on or before the fifth day of January hereafter, in each and every year during the continuance of this Act, and shall so continue to exercise the said trade or business of an Auctioneer, or who shall neglect to exhibit, in a conspicuous manner, at his Auction-room, his name and trade as such Auctioneer, shall, upon the oath of one or more credible witness or witnesses, other than the informer, for each and every of the said negligences or offences, forfeit and pay the sum of twenty pounds, to be recovered before any three or more of His Majesty's Justices of the Peace, in the District where such offence shall have been charged to have been committed, the party or parties being first summoned to attend, which Justices are hereby authorised and required to issue their warrant, and cause the penalty, as aforesaid, with reasonable costs and charges, to be levied by distress and sale of the goods

goods and chattels of such offender, returning the overplus, if any there be, after deducting the reasonable charges for taking the said distress, and for want of sufficient distress, the offender or offenders shall be sent to the common gaol of the District, for such time not exceeding six months.

Imprisonment in default of distress.

V. *And be it further enacted by the authority aforesaid*, That from and after the first day of June next, there shall be raised, levied, collected and paid in such manner as hereinafter is mentioned, to and for the use of His Majesty, His Heirs and Successors, to and for the public uses of this Province, and the support of the Government thereof, for and upon all manner of sales of goods, wares, and merchandise by way of Auction, as aforesaid, in the Province of Upper-Canada, the respective rates and duties hereinafter expressed, that is to say: the sum of two pounds ten shillings for every hundred pounds, and in the same proportion for every greater or lesser sum of the purchase money arising by sale at public Auction of such goods, wares, and merchandise, the said respective rates and duties to be paid by every such Auctioneer, out of the monies arising at each and every such sale at Auction, as aforesaid.

Duties of 2 12 per cent. on goods sold by auction.

To be paid by the Auctioneer out of the proceeds of the sale.

VI. *And be it further enacted by the authority aforesaid*, That each and every person acting, as aforesaid, at every such public sale at Auction in any part of this Province, shall at the time of receiving such Licence, as aforesaid, execute a bond, with sufficient sureties, in the sum of five hundred pounds, current money of this Province, to His Majesty, His Heirs and Successors, which security, the Collectors to be appointed for granting such Licence, as aforesaid, shall, and they are hereby authorised to take, with condition that he will, within sixty days after every such sale, deliver in an exact and particular account to such person or persons as shall be appointed to deliver out the Licences, as aforesaid, in writing, of the total amount of the money bid at each sale, and of the several articles, lots, or parcels, which shall have been there sold, and the price of each and every such article, lot, or parcel, and at the same time, make payment of all such sum and sums of money as shall be due and payable to His Majesty, in pursuance of and according to the true intent and meaning of this Act, which sum or sums of money, he is hereby authorised and empowered to retain out of the produce arising by such sale, or deposit made at such sale, or otherwise recover the same by action of debt or on the case, against the person or persons by whom such Auctioneer shall be employed, or on whose account such goods, wares, and merchandise shall be so sold, and every person, so acting as Auctioneer, or the person who acted as his clerk at such sale, if any, shall make oath to the truth of each and every such account, before the person or persons issuing such Licence, as aforesaid, or before some one of His Majesty's Justices of the Peace for the District in which such Auctioneer shall reside, which oath, the said person or persons issuing such Licence, as aforesaid, and such Magistrate, is and are hereby authorised and empowered to administer.

Bond to be given by Auctioneers, to render an account and pay over the amount of such duties.

Accounts to be sworn to.

VII. *Provided also, and it is hereby further enacted by the authority aforesaid*, That nothing in this Act contained, shall extend, or be construed to extend to charge with the said rate or duty, any goods, wares and merchandise

Not to extend to Sheriff's sales.

Other exceptions.

size sold at Auction under the authority of any Sheriff, Under Sheriff or Constable. *And Provided also*, That nothing in this Act contained shall extend or be construed to extend to affect any sale of farming stock, or utensils of husbandry, or household furniture that have been in use, any thing to the contrary hereof notwithstanding.

It may be made a condition at any sale, that the purchaser shall pay the auction duties.

VIII. *Provided always, and it is hereby further enacted by the authority aforesaid*, That nothing herein contained, shall extend or be construed to extend to restrain any seller by Auction, or person acting as Auctioneer at any sales by way of Auction, from making it a condition of sale, that the pound rate granted by this Act, or any certain portion thereof, shall be paid by the purchaser, over and above the price bidden at such sale by Auction: and in such case, the person so acting as Auctioneer is hereby authorised and required to demand payment of the said duty from such purchaser or purchasers, or such portion thereof as expressed in such condition or agreement, and upon neglect or refusal to pay the same, such bidding shall be null and void to all intents and purposes.

On his failing to pay, his bidding to be void;

Distribution of penalties imposed by this Act.

IX. *And be it further enacted by the authority aforesaid*, That the moiety of every pecuniary penalty or satisfaction by this Act imposed, shall belong to His Majesty, His Heirs and Successors, and shall also be paid by the person or persons respectively receiving the same, into the hands of the Receiver-General, to and for the use of His Majesty, His Heirs and Successors for the public uses of this Province, and towards the support of the Civil Government thereof, to be accounted for to His Majesty through the Lords Commissioners of his Treasury for the time being, in such manner and form as it shall please His Majesty to direct; and the other moiety thereof to the informer or person who shall sue for the same.

Informer.

Collectors, how and when to render acc'ts. and transmit monies.

X. *And be it further enacted by the authority aforesaid*, That the Collectors acting by virtue of and under the authority of this Act, shall, and they are hereby required to make returns to the Inspector General of this Province, and transmit all such monies as may come to their hands, to the Receiver General of this Province, in like manner and subject to the same pains and penalties as Inspectors and Collectors now are by virtue of any Law now in force in this Province.

Collectors may retain £5 per cent.

Appropriation of monies paid to the Receiver General under this Act.

XI. *And be it further enacted by the authority aforesaid*, That the said Collector shall retain and take at the rate of five pounds, for every hundred pounds, which he shall so collect as aforesaid, during the continuance of this Act, and all monies so paid by the said Collector into the hands of the Receiver General, shall be by him accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of his Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

Limitation of actions brought for any thing done under this Act.

XII. *And be it further enacted by the authority aforesaid*, That if any action or suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit shall be commenced

commenced within six months next after the matter or thing done, and not afterwards.

XIII. *And be it further enacted by the authority aforesaid, That this Act shall continue and be in force for the space of four years, next ensuing the passing thereof, and from thence to the end of the then next ensuing Session of Parliament.*

Continuance of this Act.

C H A P. VII.

An Act to repeal an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "*An Act granting to His Majesty a Sum of Money, to be applied for the encouragement of the cultivation of HEMP, within this Province.*"

C H A P. VIII.

An Act to provide for the REGISTERING of DEEDS, CONVEYANCES, WILLS and other INCUMBRANCES, which may affect any Lands, Tenements and Hereditaments, the same being executed in the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Colonies, and to amend an Act passed in the thirty-fifth year of His Majesty's Reign, entitled, "*An Act for the Public Registering of Deeds, Conveyances, Wills, and other Incumbrances, which shall be made, or may affect any Lands, Tenements or Hereditaments within this Province.*"

[Passed 1st April, 1818.]

WHEREAS, it is expedient to amend the provisions of an Act passed in the thirty-fifth year of His Majesty's Reign, entitled, "*An Act for the Public Registry of Deeds, Conveyances, Wills and other Incumbrances, which shall be made or may affect any Lands, Tenements or Hereditaments within this Province.*" And whereas, great inconvenience and difficulties have arisen in cases where persons residing in Great Britain and Ireland, or in any Colony belonging to His Majesty, who may have had occasion to execute any Deed or Conveyance, or to have made or published any Will, whereby any Lands or Tenements within this Province, may be affected, by reason of the difficulty of Registering the same, according to the direction of the said recited Act: for remedy whereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further*

Preamble.

35th Geo. III. c 5.

Memorial to be made of any deed, conveyance, will, &c. executed in Great Britain or Ireland, or any British Colony.

How such memorial shall be received, proved and entered.

Certificate of registry.

Provision for the registry of Deeds, &c. when the witnesses to the same are dead.

How proof of Deeds in such cases shall be received.

ther provision for the Government of the said Province," and by the authority of the same, That from henceforth, whenever any person or persons residing in Great Britain or Ireland, or in any Colony belonging to the Crown of Great Britain, shall or may have occasion to execute any Deed or Conveyance, or make or publish any Will whereby any Lands or Tenements within this Province may be affected, it shall and may be Lawful to and for the parties concerned, to execute a Memorial of any such Deed, Conveyance, or Will or Probate of the same, in like manner as is authorized and directed by the said in part recited Act.

II. *And be it further enacted by the authority aforesaid,* That any Memorial of any such Deed or Conveyance, which shall have been or may hereafter be executed or published in any part of Great Britain or Ireland, or in any Colony belonging to the Crown of Great Britain, shall be entered or Registered by the Register or his Deputy of any County or Counties within this Province, in case an affidavit shall have been sworn, or shall hereafter be sworn before the Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or the Chief Justice or Judge of the Supreme Court of any Colony belonging to the Crown of Great Britain, and be brought to the said Register or his Deputy, wherein one of the witnesses to the execution of such Deed or Conveyance shall have sworn, or shall hereafter swear, he or she saw the same, as also the Memorial thereof executed; and in case of Wills, one of the witnesses to the Memorial of such Will or probate thereof shall have proved, or shall hereafter prove the execution of such Memorial, the same shall be a sufficient authority to the said Register or his Deputy, to give the party that brings such Deed or Conveyance, Will or Probate thereof, and the Memorial of the same, together with such affidavit, a certificate of the Registry of the same, in like manner as if the execution thereof had been proved before the said Judge, Commissioner, Register or his Deputy as aforesaid.

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, in such cases where the witnesses to any Deed, Conveyance, or Instrument incumbering Lands in this Province shall be dead, it shall and may be lawful for the grantee or grantees, his or their heirs, executors or administrators, guardians or trustees, to make proof before the Justices in Quarter Sessions assembled, of the execution of such instrument, and upon certificates signed by the Chairman, and witnessed by the Clerk of the Peace, that the majority of the Magistrates present in such Sessions were satisfied by such proof, of the due execution of such instrument, it shall and may be lawful for the Register of the said County to Register a Memorial of such instrument, together with the certificate, which Registration shall have the same force and effect, as that of a Memorial Registered according to the provisions of the before recited Act, passed in the thirty-fifth year of His Majesty's Reign, and no other.

IV. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Justices of the Peace in each and every District in this Province, in Quarter Sessions assembled, to receive such evidence upon

upon oath, and that if any person or persons shall at any time forswear him, her or themselves, before such Magistrates, he, she or they shall incur and be liable to the same penalties as would have been incurred upon conviction for wilful and corrupt perjury, in any evidence given in His Majesty's Court of King's Bench, in this Province, in any cause there depending.

V. And be it further enacted by the authority aforesaid, That no certificate to be granted as aforesaid, by any such Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or of any Colony belonging to the Crown of Great Britain, shall have any force or effect, unless the Seal of such City, Borough or Town Corporate shall be affixed thereto.

Perjury.

Certificates of the Mayor or Chief Magistrate of any city, borough or town corporate, required by this Act, not to be evidence without the Seal of such city, &c.

CHAP. IX.

An Act to repeal an Act passed in the thirty-fifth year of His Majesty's Reign, entitled, "*An Act to ascertain the ELIGIBILITY of PERSONS to be Returned to the HOUSE of ASSEMBLY.*" and also to repeal an Act passed in the fifty-fourth year of His Majesty's Reign, entitled "*An Act to repeal and amend part of an Act passed in the thirty-fifth year of His Majesty's Reign, entitled 'An Act to ascertain the eligibility of persons to be Returned to the House of Assembly.'*" and to make further and more effectual provision for securing the freedom and constitution of the Parliament of this Province.

[*Passed 1st April, 1818.*]

WHEREAS, it is most desirable that the eligibility of persons to be proposed as Candidates for the Representation of the several Towns, Ridings and Counties of this Province, in the Commons House of Assembly, should be clearly and expressly defined: and whereas the provisions of an Act passed in the thirty-fifth year of His present Majesty's Reign, entitled "*An Act to ascertain the eligibility of persons to be returned to the House of Assembly*" and also of an Act passed in the fifty-fourth year of His Majesty's Reign, entitled "*An Act to repeal and amend part of an Act passed in the thirty-fifth year of His Majesty's Reign, entitled, 'An Act to ascertain the eligibility of persons to be returned to the House of Assembly.'*" have not attained that object; Be it therefore enacted by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That from and after the passing of this Act, each of the said Acts respectively shall be and the same are hereby repealed.

Preamble:

35th Geo. III. c. 2.

54th Geo. III. c. 4.

Repealed.

In what cases candidates are required to have resided in this Province for 7 years next before the election at which they are proposed.

II. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no person or persons, of what condition soever, having been a bona fide resident in any country not being under His Majesty's Government, or who shall have taken the oath of allegiance to any other State or Power, shall be eligible to be proposed, chosen or elected, as a Representative or Representatives of any City, County, Riding or Borough, or other place of any description now or hereafter sending a Representative or Representatives to the House of Assembly of this Province, until such person or persons shall have resided in this Province for and during the space of seven years next before the election at which any such person or persons shall be proposed, elected or chosen as a Representative or Representatives as aforesaid.

Penalty for any person disqualified under the above section offering himself as a candidate.

III. *And be it further enacted by the authority aforesaid,* That if any person or persons as aforesaid, not having resided in this Province for seven years as aforesaid, shall propose or offer himself or themselves as a candidate or candidates to become a Representative or Representatives of any County, City, Riding or Borough, or other place now or hereafter sending a Representative or Representatives, and shall be thereof convicted by the oath of one credible witness, shall forfeit and pay the sum of two hundred pounds, to be recovered by any person who shall sue for the same, in His Majesty's Court of His Bench in this Province, by action of debt, bill, plaint or information, wherein no essoigne, privilege, protection or wager of Law shall be allowed, and only one imparlance.

To be recovered by any person suing for the same.

Additional penalty for any person under the same disqualification obtruding himself upon the House.

IV. *And be it further enacted by the authority aforesaid,* That if any person or persons as aforesaid, not having resided in this Province for seven years as aforesaid, whether such person or persons shall have proposed or offered him or themselves as a candidate or candidates or not for any County, City, Riding or Borough, or other place of any description now or hereafter sending a Representative or Representatives to the House of Assembly of this Province as aforesaid, shall presume upon such choice or election to obtrude or present himself or themselves into the said House as a Representative or Representatives as aforesaid, he or they shall forfeit and pay the sum of forty pounds, over and besides the foregoing penalty, if such person or persons shall have incurred the same, for every day that he shall so obtrude or present himself or themselves, to be recovered by any person or persons who shall sue for the same in His Majesty's Court of His Bench, by action of debt, bill, plaint or information, wherein no essoigne, privilege, protection or wager of Law shall be allowed, and only one imparlance.

How recovered.

No person eligible to the House of Assembly unless possessed of an estate in fee simple in this Province, unincumbered, to the assessed value of £80.

V. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no person or persons, of what condition soever, shall be eligible to be proposed, chosen or elected as a Representative or Representatives of any County, City, Riding, Borough or other place of any description, now or hereafter sending a Representative or Representatives to the House of Assembly of this Province, unless he shall be possessed of an unincumbered freehold, in lands or tenements, in fee simple, in this Province, to the assessed value of eighty pounds, lawful money of this Province,

VI. *Provided always, and be it hereby enacted by the authority aforesaid,* That every person who, from and after the passing of this Act, shall appear as a candidate, or shall by himself or any others be proposed to be elected to serve as a Member for any County, City, Riding, Borough, or any part or place now or hereafter sending a Member to the House of Assembly of this Province, shall, and he is hereby enjoined and required, upon reasonable request to him to be made, at the time of such election, or before the day prefixed in the writ of summons for the meeting of Parliament, by any other person who shall stand a candidate at such election, or by any two or more persons having a right to vote at such election, take a corporal oath, in the following form, or to the following effect: "I A. B. do swear, that I truly and bona fide have such a freehold estate, over and above all incumbrances that may affect the same, and am otherwise qualified according to the provisions of Law, to be elected and returned to serve as a Member in the Commons House of Assembly, according to the tenor and true meaning of the Act of Parliament in that behalf, and that I have not obtained the same fraudulently for the purpose of enabling me to be returned Member to the Commons House of Assembly of this Province, so help me God.

Every candidate shall if required, take the following oath.

VII. *And be it further enacted by the authority aforesaid,* That if any of the said candidates, or persons proposed to be elected as aforesaid, shall be guilty of false swearing in such oath, such candidate or candidates, or person or persons as aforesaid, shall on conviction thereof, receive and suffer the like pains and penalties to which any other person convicted of wilful and corrupt perjury is liable by the Laws and Statutes of this Province.

False swearing therein to be punished as wilful & corrupt perjury.

VIII. *And be it further enacted by the authority aforesaid,* That the oath aforesaid, shall and may be administered by the Sheriff for any such County as aforesaid, or by the Mayor, Bailiff, or other Officer or Officers for any County, City, Borough, Riding, Place or Places as aforesaid, to whom it shall appertain to take the poll or make the return at such election for the same County, City, Borough, Riding, Place or Places respectively, or by any two or more Justices of the Peace within this Province, and the said Sheriff, Mayor, Bailiff or other Officers, and the said Justices of the Peace respectively, who shall administer the said oaths, are hereby required to certify the taking thereof, into His Majesty's Court of His Bench within three months after the same, under the penalty of forfeiting the sum of two hundred pounds, to be recovered with full costs of suit, by action of debt, bill, plaint or information, in His Majesty's Court of His Bench in this Province, and if any of the said candidates or persons proposed to be elected as aforesaid, shall wilfully refuse upon reasonable request to be made at the time of the election or at any time before the day upon which such Parliament by the writ of summons is to meet, to take the oath hereby required, then the election and return of such candidate shall be void.

By whom the said oath to be administered

Oath to be certified into the King's Bench.

Penalties for neglect.

The election of any candidate refusing to take the oath, to be void.

IX. *And be it further enacted by the authority aforesaid,* That no fee or reward shall be taken for administering any such oath, or making, receiving, or filing the certificate thereof, except two shillings and six-pence for administering

Fee for administering oath;

for certificate. ministering the oath, and five shillings for making the certificate, and five shillings for receiving and filing the same, under the penalty of one hundred pounds to be forfeited by the offender, and recovered as aforesaid.

Distribution of fines and penalties. X. *And be it further enacted by the authority aforesaid,* That one moiety of all fines and penalties that shall be incurred under this Act shall be immediately paid into the hands of the Receiver General for the use of His Majesty, His Heirs and Successors towards the support of the Civil Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall please to direct, and the other moiety to the person who shall sue for the same.

Informers.

C H A P. X.

£804 12s 11d granted to defray contingent expenses of the last Session.

An Act to make good CERTAIN MONIES issued and advanced by His Honor, the Administrator, pursuant to an Address of the Commons House of Assembly.

C H A P. XI.

55th Geo. III. c. 2, continued for two years and from thence to the end of the then next ensuing session of Parliament.

An Act to continue an Act passed in the fifty-fifth year of His Majesty's Reign, entitled, "*An Act to repeal an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, 'An Act to supply in certain cases the want of COUNTY COURTS in this Province, and to make further provision for proceeding to OUTLAWRY in certain cases therein mentioned.'*"

C H A P. XII.

£300 applied to the remuneration of the commissioners appointed to treat with the commissioners of Lower Canada, at Montreal, the 21st May, 1812.

An Act to REMUNERATE certain COMMISSIONERS therein mentioned.

C H A P. XIII.

An Act to repeal an Act passed in the fifty-sixth year of His Majesty's Reign, entitled "*An Act to continue for a limited time the PROVISIONAL AGREEMENT entered into between this Province and LOWER-CANADA, at Montreal, on the fifth day of July, one thousand eight hundred and four, relative to Duties; also for continuing for a limited time, the several Acts of the Parliament of this Province relative thereto, and also to ratify and confirm the Provisional Articles of Agreement entered into by the respective Commissioners of this Province and Lower-Canada, at Montreal, on the thirty-first day of May, one thousand eight hundred and seventeen, relative to Duties, and for carrying the same into effect.*"

STATUTES OF UPPER-CANADA,

PASSED IN THE *THIRD* SESSION OF THE *SEVENTH* PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE TWELFTH DAY OF OCTOBER, AND PROROGUED ON THE TWEN-
TY-SEVENTH DAY OF NOVEMBER FOLLOWING, IN THE FIFTY-NINTH YEAR
OF THE REIGN OF GEORGE III.

SIR PEREGRINE MAITLAND, K. C. B. LIEUTENANT GOVERNOR.

ANNO DOMINI 1818.

C H A P. I.

An Act to regulate the Trade by LAND and INLAND NAVIGATION, between this Province
and the United States of America.

[*Repealed by 59th Geo. III. 2d Session, c. 1.*]

C H A P. II.

An Act to alter the Laws now in force for granting LICENCES to INNKEEPERS, and to give
to the Justices of the Peace, in General Quarter Sessions assembled, for their respective Dis-
tricts, authority to regulate the Duties hereafter to be paid on such Licences.

[*Passed 27th November, 1818.*]

WHEREAS, it is expedient to repeal part of, and amend the Laws
now in force, regulating the manner of Licencing Public Houses,
and for the retailing of Wine, Brandy, Rum or any other Spirituous Li-
quors;

Preamble.

34th Geo. 3d, Ch. 12,
s 3, repealed.

also s 2, 36th Geo. 3.
c 3.

also s 3, 45th Geo 3.
c 1

and the whole of 56th
Geo 3. c 10, repealed.

quors; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That the third clause of an Act of the Parliament of this Province passed in the thirty-fourth year of His Majesty's Reign, entitled, "An Act for regulating the manner of Licencing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without Licence," also the second clause of an Act passed in the thirty-sixth year of His Majesty's Reign, entitled, "An Act to amend an Act, entitled, 'An Act for regulating the manner of Licencing Public Houses, and for the more easy convicting of persons selling Spirituous Liquors without Licence,'" also the third clause of an Act of the Parliament of this Province, passed in the forty-fifth year of His Majesty's Reign, entitled, "An Act for altering the time of issuing Licences for the keeping of a House or any other place of Public Entertainment, or for the retailing of Wine, Brandy, Rum, or any other Spirituous Liquors, or for the having and using of Stills for the purpose of distilling Spirituous Liquors," and for repealing so much of the fifth clause of an Act passed in the forty-third year of His Majesty's Reign, as relates to the periods of paying into the hands of the Receiver General, the monies collected by the Inspector of each and every District throughout this Province for such Licences, and an Act of the Parliament of this Province, passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act to repeal part of, and to continue and amend an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, "An Act for granting to His Majesty an additional Duty on Shop and Tavern Licences," be and the same are hereby repealed.

At what time and in
what manner Tavern
licences are to be ap-
plied for.

Character of person
applying to be enquir-
ed into.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Justices of the Peace in General Quarter Sessions assembled, in each and every District respectively, in this Province, and they are hereby required at their meeting next before the fifth day of January in each and every year, except the present, to adjourn the said Court of General Quarter Sessions, to the last Monday in the month of December, in which adjourned Sessions the said Justices shall have power to limit the number of Inns and Public Houses in their respective Districts, and then and there to hear and receive applications from all such persons as desire to take out Licences for opening Inns or Public Houses within their said several Districts; and the said Justices shall upon hearing and receiving any application from any person, praying to have a Licence granted to him or her, enquire into the life, character, and behaviour of the person so applying, and if it shall appear proper and necessary to the said Justices or a majority of them then and there assembled, to grant a certificate, and that the party applying is a sober, honest and diligent person, and a good subject of our Lord the King, the presiding Magistrate shall then and there

there grant him or her a certificate under his hand and seal, which certificate shall enable the party so holding the same to apply for and take out a Licence on or before the fifth day of January then next ensuing the date of such certificate, and that the said certificate shall be a proper and sufficient warrant for the Inspectors of the several Districts respectively to grant, and they are hereby required to grant to the said person holding the said certificate, such Licence, on receiving payment of such Duties as are imposed by this Act, or hereafter may be imposed by Law on the same, and that all the rules, regulations, restrictions, penalties, matters, and things which are by any Act or Acts of the Legislature of this Province in force, touching and concerning the applying for, allowing, granting, obtaining or in any wise relating to the said Licences herein before mentioned, except so far as they are varied or changed by this Act, shall and are hereby extended to such Licences as aforesaid, any thing herein contained to the contrary notwithstanding.

Justices to grant certificates, on which, Inspector, on payment of duties, &c. to grant Licence.

Provisions of former Acts to be in force, except as varied by this Act.

III. *And be it further enacted by the authority aforesaid,* That the Justices of the Peace in each and every District respectively, shall have power and authority to assemble on the last Monday in December next, at the usual place for holding the Quarter Sessions in their respective Districts, for the purpose of carrying into effect the provisions of this Act for the present year, in the same manner and as effectually as they are authorised by this Act to adjourn the said Quarter Sessions to the first Monday in December, in each and every ensuing year, during the continuance thereof.

Justices empowered to meet as herein provided.

IV. *And be it further enacted by the authority aforesaid,* That on granting such certificate as aforesaid, it shall and may be lawful for the said Justices, and they are hereby required to direct the Inspectors of the several Districts respectively, to receive from the person taking out any Licence for keeping such Public House or Inn, as aforesaid, such sum as they, or the majority of them assembled, as aforesaid, shall adjudge just and proper, according to the situation of such Inn, *Provided always,* That it shall not be lawful for the said Justices, or a majority of them, as aforesaid, to order or direct the said Inspectors respectively, to receive for any such Licence, as aforesaid, a greater sum than Twelve Pounds Ten Shillings, or a lesser sum than One Pound Sixteen Shillings, sterling, and the additional sum of Twenty Shillings, currency, now imposed by Law, any Law to the contrary thereof in any wise notwithstanding.

Justices when they grant certificates, may apportion the duties to be paid for Tavern Licences, according to situation, &c.

Which duties only shall be exacted by the Inspector.

being in no case more than £12 10s.

or less than £4, curr'y.

V. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any person or persons, not having obtained a Licence for keeping an Inn or House of Public Entertainment, upon a certificate from the Justices assembled on the last Monday in December, as aforesaid, for the purposes aforesaid, or from the adjourned Quarter Sessions in each and every year, during the continuance of this Act, being desirous of keeping an Inn or Public House, to apply for such certificate at any time during the year, to the Justices of the District in which he resides, in General Quarter Sessions assembled, and it shall be lawful for the said Justices

Persons may obtain certificates for Tavern Licences at any time during the year.

to

to inquire into the character and behaviour of the person applying, and if it shall appear to them expedient to increase the number of Inns or Public Houses, and that the party applying is qualified, as aforesaid, the presiding Magistrate shall then and there grant a certificate, in manner and for the purpose, and under such regulations and restrictions as are herein before mentioned.

Magistrates shall frame rules & regulations for the conduct of Tavern-keepers.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, and it is hereby required, that the Magistrates, at the time of granting such certificate, as aforesaid, shall make and frame rules and regulations for the observance of the several Innkeepers in their respective Districts, which rules and regulations the said Innkeepers are to be bound by their recognizances to abide by; a copy of which rules and regulations, for the information of travellers, to be affixed in some conspicuous place in every House so Licenced within the Province.

Clerk of the Peace to transmit quarterly accounts to the Inspector General of duties to be taken by the Inspectors for Tavern Licences under orders of Sessions.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Clerk of the Peace in each and every District of this Province, and he is hereby required to transmit quarterly to the Inspector General of this Province, a detailed statement of all Orders of Sessions, relative to Duties to be taken by the said District Inspector for any Licence granted under the authority of this Act.

How the duties, collected under this Act, are to be paid over and accounted for.

VIII. *And be it further enacted by the authority aforesaid,* That each of the said Inspectors shall account for the monies in the same manner, and pay in the same to the Receiver General at the same time he is now obliged to pay over all public monies which come to his hands, and in default of such account or payment, shall be liable to the penalties imposed by any Law now in force requiring such account and payment.

Continuance of this Act.

IX. *And be it further enacted by the authority aforesaid,* That this Act shall continue in force for two years, and from thence to the end of the then next ensuing Session of the Provincial Parliament, and no longer.

C H A P. III.

An Act for the better DIVISION of the COUNTY of GLENGARRY into TOWNSHIPS.

[Passed 27th November, 1818.]

Preamble.

WHEREAS, from the great extent of the Township of Lancaster, in the County of Glengarry, in the Eastern District of this Province, and the great population therein, the inhabitants of the said Township experience many inconveniences, in particular in attending Town Meetings; and whereas, it has become expedient to divide the said Township, and to constitute and form a new Township out of certain parts thereof, Be it therefore

fore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing of this Act, the first or front nine Concessions of the said Township of Lancaster shall form and constitute the Township of Lancaster.

The front or first nine Concessions of Lancaster to form hereafter the Township of Lancaster.

H. *And be it further enacted by the authority aforesaid*, That the North or rear nine Concessions of the aforesaid Township of Lancaster, shall form and constitute the Township of Lochiel.

And the nine Concessions in rear to form the Township of Lochiel.

III. *And be it further enacted by the authority aforesaid*, That the said Township of Lancaster, and the said Township of Lochiel respectively, shall be under the same regulations, and entitled to the same privileges as any other Townships within this Province; *Provided always, and it is hereby enacted by the authority aforesaid*, That such division shall not invalidate the legality of any existing Commission, granted for the exercise of any authority or jurisdiction within the said Townships, or to make void or otherwise affect any grant of Land or other legal proceedings, within the limits of the said Townships, any Law or usage to the contrary notwithstanding.

These two Townships shall have the same regulations, &c. as others.

This act not to invalidate any existing commission or to affect any grant of land or other legal proceedings.

See 35th Geo. III. c. 6.

C H A P. IV.

An Act to empower the Commissioners of the Peace for the Eastern District, in their Court of General Quarter Sessions assembled, to establish and regulate the time for holding a MARKET in the TOWN of CORNWALL, in the said District.

[Passed 27th November, 1818.]

WHEREAS, it is expedient for the convenience of the inhabitants of the Eastern District, that a market should be established at Cornwall, in the said District, and that the times for holding such Market should be ascertained, Be it enacted by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the passing

Preamble:

A Market established in the town of Cornwall.

ing of this Act, a Market shall be established and kept in the Town of Cornwall, upon the Lot or Lots in said Town which are reserved by the Executive Government for that purpose.

Market days & other regulation to be made by the Justices in Quarter Sessions.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Commissioners of the Peace in the Eastern District, in their Court of General Quarter Sessions assembled, and they are hereby authorised and empowered to fix upon and to appoint such days and hours for the purpose of selling Butcher's Meat, Butter, Eggs, Poultry, Fish and Vegetables, and to make such other orders and regulations, relative thereto, as they shall deem expedient.

Fines to be imposed.

III. *And be it further enacted by the authority aforesaid*, That the said Commissioners shall be, and they are hereby authorised and empowered to impose such fines, not exceeding twenty shillings, for any offence committed against such rules and regulations, as to them in their discretion shall seem requisite and proper.

Publication of orders and regulations.

IV. *And be it further enacted by the authority aforesaid*, That all such orders, rules and regulations shall be published, by causing a copy of them to be affixed in the most public place in every Township in the said District, and at the doors of the Church and Court-House of the said Town of Cornwall, and that such orders, rules and regulations shall not be in force, until three weeks after such publication.

Mode of collecting fines and receiving penalties.

V. *And be it further enacted by the authority aforesaid*, That if any person shall transgress the orders and regulations, so made by the said Commissioners, such person shall for every such transgression, forfeit the sum which in every such order, rule and regulation shall be specified, to be recovered by information before any one Commissioner of the Peace, upon the oath of one credible witness, and to be levied by warrant under the hand and seal of such Commissioner, upon the goods and chattels of such offender, and that one moiety of the sum so levied shall go to the informer, the other moiety shall be paid into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty through the Commissioners of His Treasury for the time being, in such manner and form as it shall please His Majesty to direct.

To whom paid and how accounted for.

C H A P. V.

£750 granted for opening and amending roads in certain new settlements in the Districts of Johnston and Newcastle.

An Act to appropriate a certain SUM of MONEY for the purposes therein mentioned.

C H A P. VI.

An Act to continue the Laws now in force for granting an ADDITIONAL DUTY on SHOP LICENCES.

[Passed, 27th November, 1818.]

MOST GRACIOUS SOVEREIGN,

WHEREAS, an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, "An Act to grant to His Majesty an additional duty on Shop and Tavern Licences" is about expiring, and whereas it is expedient to continue the additional duty on Licences to Shop-keepers for retailing Wine, Brandy, and other Spirituous Liquors, Be it enacted by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That in addition to the sum of one Pound and sixteen Shillings Sterling, and the additional sum of twenty Shillings currency, directed and required to be paid by Law before the passing of the said Act of the fifty-fourth year of His Majesty's Reign, upon every Licence hereafter to be granted by the Governor, Lieutenant Governor or Person administering the Government of this Province, to Shop-keepers, for retailing Wine, Brandy and other Spirituous Liquors within this Province, which shall still be and continue to be levied, collected and paid, as it hitherto has been levied, collected and paid by the several Acts of this Province in force for that purpose, there shall from and after the passing of this Act, be raised and levied, collected and paid, under the same restrictions and penalties as are in the said Acts contained, unto His Majesty's Receiver General of this Province, to and for the uses of His Majesty, His Heirs and Successors, and to and for the uses of this Province, to be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner as His Majesty, His Heirs and Successors shall direct, the further sum of five Pounds currency.

II. *And be it further enacted by the authority aforesaid*, That this Act shall continue and be in force for five years, and from thence to the end of the then next ensuing Session of Parliament.

Preamble.

54th Geo. III. c 10.
recited.

The additional duty
of £6 to be continued.

How to be paid and
accounted for.

Continuance.

C H A P. VII.

£18796 5s sterling,
appropriated as herein-
after mentioned
also £5815 5s appro-
priated to the service
of the year, 1819.

An Act granting to His Majesty a Sum of MONEY for certain purposes therein mentioned.

C H A P. VIII.

An Act further to extend the provisions of an Act passed in the forty-fifth year of His Majesty's Reign, entitled "*An Act to make provision for the further appointment of PARISH and TOWN OFFICERS throughout this Province.*"

[Passed 27th November, 1818.]

Preamble

45th Geo. III. c. 6.

WHEREAS, by an Act passed in the forty-fifth year of His Majesty's Reign, entitled "*An Act to make provisions for the further appointment of Parish and Town Officers, throughout this Province, it is enacted, that the number of Overseers of Highways and Roads, shall not exceed Twelve, and whereas, that number is in many Townships in this Province, found from experience not to be sufficient; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, 'An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'*" and by the authority of the same, That it shall and may be lawful from and after the passing of this Act, for the inhabitant Householders assembled, under and by virtue of the said Act of the forty-fifth year of His Majesty's Reign, in their Town Meetings, to choose and nominate under and agreeably to the provisions of the aforesaid Act, in addition to what they are now authorised to choose, when and where as it is found necessary, not more than three persons to serve the office of Overseers of Highways for such Parish, Town or Township, any Law to the contrary notwithstanding.

Now overseers of
highways may hereaf-
ter be chosen in addi-
tion to the 12 now au-
thorised by law for any
township.

(See 33d Geo. III. c. 2)

C H A P. IX.

£693 7s 7d applied
to make good the same
sum advanced on an
address.

An Act to make good certain MONIES issued by his Honor MR. ADMINISTRATOR SMITH, in pursuance of an ADDRESS of the Commons House of Assembly.

C H A P.

C H A P. X.

An Act to authorise the enquiry and trial of CRIMES and OFFENCES committed within this Province, without the limits of any described Township or County, to be had in any District thereof.

[*Passed 27th November, 1818.*]

WHEREAS, by an Act passed in the thirty-eighth year of His Majesty's Reign, entitled "An Act for the better division of this Province," large tracts of country are comprehended in the several Districts of this Province, which are not within the limits of any Township or County therein, And whereas, Crimes and Offences have been committed, and may hereafter be committed, in such tracts of country, which it might be inconvenient to try in the particular District wherein the same may have been committed, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all Crimes and Offences, committed in any of the said tracts of country or parts of this Province, not being within the limits of any described County or Township, may be enquired of and tried within any District of this Province, and may and shall be laid and charged to have been committed within the jurisdiction of the Court which shall try the same, and such Court may and shall proceed thereon to trial, judgment and execution, or other punishment for such Crime or Offence, in the same manner, as if such Crime or Offence had been really committed within the District where such trial may be had, any law, usage or custom to the contrary notwithstanding.

Preamble.

38th Geo. III. c 5 re-
cited.

Hereafter offences
committed in unorga-
nized parts of this Pro-
vince may be tried in
any District thereof.

II. *Provided always*, That when, and so soon as any new County or Counties, Town or Township shall be laid out, described and established in any of the tracts of Country aforesaid, and shall be so declared by Law or by Proclamation, under the hand and seal of the Governor, Lieutenant Governor or Person administering the Government of this Province for the time being, by and with the advice and consent of His Majesty's Executive Council, all Crimes and Offences committed within the limits of any such new County or Counties, Township or Townships, shall be enquired of and tried, in the District or Districts wherein such new County or Counties, Township or Townships, shall be respectively comprehended, in like manner as such Crimes or Offences would have been enquired of and tried, if this present Act had not been made or passed.

When such unorga-
nized parts of the Pro-
vince shall be formed
into townships, the pro-
visions of this Act shall
not apply to them.

(See 32d Geo. III. c
8, and 56th, c 2 & 30.)

C H A P. XI.

An Act to prevent CERTAIN MEETINGS within this Province.

[Passed 27th November, 1818.]

Preamble

WHEREAS, the election or appointment of Assemblies, purporting to represent the people, or any description of the people, under the pretence of deliberating upon matters of public concern, or of preparing or presenting Petitions, Complaints, Remonstrances, and Declarations, and other Addresses to the King, or to both or either Houses of Parliament, for alteration of matters established by Law, or redress of alledged grievances in Church or State, may be made use of to serve the ends of factious and seditious persons, to the violation of the Public Peace, and manifest encouragement of Riot, Tumult, and Disorder; It is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That all such Assemblies, Committees, or other bodies of persons, elected or otherwise constituted or appointed, shall be held and taken to be unlawful assemblies, and that all persons giving or publishing notice of the election to be made of such persons or delegates, or attending, voting, or acting therein by any means, are guilty of a high misdemeanor; *Provided always*, That nothing in this Act contained shall impede the just exercise of the undoubted right of His Majesty's Subjects to petition the King or Parliament for redress of any public or private grievance.

Assemblies held for certain purposes, declared to be unlawful, and persons giving notice thereof or acting therein, held guilty of a high misdemeanor.

Not to interfere with the just exercise of the right of petitioning.

C H A P. XII.

An Act for vesting in Commissioners the ESTATES of certain TRAITORS, and also the Estates of persons declared ALIENS, by an Act passed in the fifty-fourth year of His Majesty's Reign, entitled, "*An Act to declare certain persons therein described ALIENS, and to vest their ESTATES in His Majesty, and for applying the proceeds thereof towards compensating the Losses which His Majesty's Subjects have sustained in consequence of the late War, and for ascertaining and satisfying the lawful Debts and Claims thereupon.*"

[Passed 27th November, 1818.]

Preamble.
64th Geo. 3. c 9, re-
cited.

WHEREAS, by the operation of an Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, entitled, "An Act to declare certain persons therein described Aliens, and

to vest their estates in His Majesty," and by Inquisitions duly taken and returned, according to the provisions of the said Act, His Majesty has become seized of Lands in this Province, of considerable value, which it is expedient should be sold, that the claims of all bona fide creditors, and persons having any just lien or security upon the same, may be paid and satisfied, and the remaining proceeds thereof applied agreeably to the gracious instructions of His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, communicated through His Honor Samuel Smith, Esquire, late Administrator of the Government of this Province, towards compensating the losses which His Majesty's faithful Subjects of this Province have sustained by the invasion of the enemy, or otherwise, in consequence of the War, lately terminated between His Majesty and the United States of America; And whereas, also, during the late War with the United States of America, a number of His Majesty's Subjects in this Province, contrary to their duty of Allegiance, were wickedly and traitorously adhering to the enemies of His Majesty, or did levy War against His Majesty, or were guilty of other High Treasons, and it being in like manner signified to be the gracious intention of His Royal Highness the Prince Regent, that the estates, real and personal, of such persons as have been or shall be duly attainted, as guilty of High Treason during the said War with the United States of America, should be likewise applied towards compensating the losses which His Majesty's faithful Subjects of this Province have sustained by the invasion of the enemy, or otherwise, in consequence of the said War; Therefore, in order to carry the said gracious intentions into effect, and also that due provision may be made for the satisfaction of all just and lawful claims, which any of His Majesty's dutiful and loyal Subjects may have to, upon, or out of the estates of such Rebels and Traitors; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government of this Province, from time to time, by Commission under the Great Seal of this Province, to authorise and empower such and so many persons as he shall think fit, to be Commissioners and Trustees, in whom all and every the real estates that now are, or hereafter may become vested in His Majesty, by the operation of the said Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, entitled, "An Act to declare certain persons therein described Aliens, and to vest their estates in His Majesty," and the proceedings that have been had or may take place thereupon, and also, all and every the estates, both real and personal, that have become vested, or may hereafter become vested in His Majesty, by the attainder of any person or persons convicted of or for any High Treason, committed during the

Royal instructions
respecting the forfeited
estates.

Governor to appoint
comm'rs. in whom the
forfeited estates, real &
personal, shall be vest-
ed.

the late War between His Majesty and the United States of America, shall be vested in the manner, and for the ends and purposes hereinafter mentioned.

II. And to the end that all the estates of the said Traitors, of what nature soever, within this Province, which by the attainder of any person or persons of any High Treason, by him or them committed during the late War between His Majesty and the United States of America, shall have been or may hereafter become legally forfeited to His Majesty, and also, all the real estates, which by the said Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, and by the proceedings that have been or may be hereafter had thereupon, have or hereafter may become vested in His Majesty, may be the better known, described, and ascertained, and that the rents, issues, profits, and produce thereof may be recovered and brought in for the use of His Majesty, to be applied in the manner herein before expressed, and that due examination may be taken, and satisfaction made of all just and lawful claims to, upon, or out of the said Estates or any of them, *Be it further enacted by the authority aforesaid,* That the Clerk of the Crown for this Province, shall, within three months after the passing of this Act, deliver to the Commissioners to be appointed under this Act, an extract certified under the Seal of the Court of King's Bench of this Province, of all Inquisitions heretofore made and taken under the provisions of the said Act of this Province, passed in the fifty-fourth year of His Majesty's Reign, whereby any real estate or estates have been vested in His Majesty, and also, a certified extract, under the Seal of the said Court, of all Inquisitions whereby any real or personal estate, of any kind whatever, have been returned, as forfeited to His Majesty, by the attainder of any person or persons, of any High Treason committed during the War lately terminated between His Majesty and the United States of America, in which extracts of the Inquisitions taken under the said Act passed in the fifty-fourth year of His Majesty's Reign, shall be stated the names, additions, and late places of abode of the persons enquired of by the said Inquisitions, and the real estates which by such Inquisitions are vested in His Majesty, as the same are described in the said Inquisitions respectively, together with the date of the said Inquisitions, and the names of the Commissioners by whom they were respectively taken; and in the extracts of the Inquisitions upon attainders of any person or persons for High Treason, as herein before mentioned, shall be stated the names, additions, and late places of abode of the persons attainted, the species of Treason of which, and the respective times, places, and Courts, when and where they were so attainted, and also, the real estates, chattels, real or personal debts, goods, and effects whatsoever, which in the said Inquisitions are found to be forfeited by such attainder, and that the said Clerk of the Crown for the time being, shall, within thirty days after any Inquisition shall be hereafter returned into the Court of King's Bench, under the provisions of the said Act of the fifty-fourth year of his Majesty's Reign, whereby any real estate shall become vested in His Majesty, or after any Inquisition shall be returned into the Court of King's Bench, whereby any real or personal estate shall be found vested in His Majesty, by the attainder of any person or persons for any

Certified extracts of Inquisitions to be furnished to the commissioners by the clerk of the Crown.

any High Treason, committed during the existence of the late war between His Majesty and the United States of America, make out and deliver to the said Commissioners like extracts of the same respectively, all which extracts or certified lists, the said Commissioners shall enter into a book, to be provided and kept by them for that purpose.

which extract to be entered by the commissioners.

III. *And be it further enacted by the authority aforesaid*, That an extract from that book, signed by any two or more of the said Commissioners, shall be taken and held as sufficient evidence of the matters therein certified, in all Courts of Justice within this Province, as far as may concern the execution of this Act, as fully as if the records of such attainder or Inquisition were produced in such Courts.

An extract of such entry, signed by any 2 or more commissioners to be evidence in Courts of Justice.

IV. *And be it further enacted by the authority aforesaid*, That the said Commissioners, or the majority of them for the time being, are hereby authorised, empowered, and required, to inquire into all such estates, both real and personal, within this Province, as are or may be vested in His Majesty by such attainder as aforesaid, or by Inquisition returned under the authority of the said Act passed in the fifty-fourth year of His Majesty's Reign, and to cause all and every the rents, issues, and profits of the said real estates, until sale thereof, to be effectually levied and paid into the hands of a special Receiver, to be appointed by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, for the purposes of this Act, and to levy, raise, secure, and cause to be sold, all such goods, debts, and personal chattels and estates, within this Province, as are or may be vested in His Majesty, in the manner herein before mentioned, and to sell the said real estates, after the claims relating to such estates respectively, shall be determined, or otherwise dispose of the same, in the manner herein after provided, and out of the rents or produce of the said estates, real or personal, to cause payment or satisfaction to be made of such sums of money as shall be due to any claimants upon the same, and in the execution of the premises, the said Commissioners shall and may proceed, in virtue of the powers hereby granted to them, in a summary way, without the formalities practised or observed in Courts of Justice.

General duties of commissioners under this Act.

Mode of proceeding.

V. And to the end that all and every of the said estates and interest hereby vested or to be vested in the said Commissioners may be duly published, so as all persons having interest therein, may have notice thereof, in such manner as that they may enter their claims upon the same, in manner herein after provided; *Be it enacted by the authority aforesaid*, That the said Commissioners shall cause the Register or books herein appointed to be kept of the names of all persons attainted of High Treason, committed during the time aforesaid, and of all real and personal estates and interests by this Act vested or to be vested in the said Commissioners, or an authentic copy or duplicate of such books, to be kept by a proper officer, who shall make the same open and patent to the inspection of all persons who shall demand the same, between the hours of ten and two, of any lawful day, without any fee or reward, and in the said books shall be expressed the dates when the entries of the several estates, real or personal, that shall be there entered, were made,

Register of forfeited estates kept by commissioners to be open to public inspection.

made, and the said Commissioners, or the majority of them, shall also transmit to the special Receiver, for the time being, an authentic copy of the said Register or books.

Duplicates of entries of real estates forfeited shall be transmitted to the clerks of the peace in the District where such real estates lie.

VI. *And be it further enacted by the authority aforesaid*, That when any real estate shall be entered in the said Register, the said Commissioners shall, from time to time, within the space of one month after such entry, transmit or cause to be transmitted an authentic copy or duplicate of every such entry to the Clerk of the Peace of the District, within which the said real estate is situated, and every such Clerk of the Peace shall, and is hereby required within seven days after he shall receive such duplicate or copy, to cause the same or a copy thereof to be affixed on the door of the place where the General Quarter Sessions of the Peace are usually held for such District, and to cause the same to be inserted in a book to be provided and kept by him for that purpose, all which books shall be made open and patent to any persons demanding inspection of the same, upon any lawful day between the hours of ten and two, without fee or reward.

Notice to be given of such entries or registers

In what manner claims to or out of the forfeited estates, are to be made.

VII. And that no person or persons whomsoever, having any estate, right, title, or interest in Law or equity, into or out of any of the said estates, real or personal, vested or to be vested in the said Commissioners by this Act, may be in any wise prejudiced thereby; *Be it enacted by the authority aforesaid*, That all and every person and persons whatsoever, bodies politic or corporate, other than and except all such persons forfeiting the same, and the heirs, executors, administrators, and assigns, of every of them, and all and every person and persons having or claiming any thing in the premises or any part thereof, to the use of, or in trust for any such persons or their or any of their heirs, executors, administrators, having any estate, right, title, interest, use, trust, possession, reversion, remainder, annuity, rent, debt, benefit, charge, or incumbrance whatsoever, in Law or equity, in, to, or out of, or upon any lands, messuages, tenements, and hereditaments whatsoever, or to any real or personal estate, or any other the premises whatsoever, vested or to be vested in the said Commissioners by this Act, by or under any settlement, conveyance, judgment, statute, recognizance, extent, or other debt, charge, or incumbrance, affecting or which was binding on the persons attainted or to be attainted, or on the persons found or to be found Aliens by any Inquisition taken and returned according to the above recited Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, and which might have affected the same estate, before the respective days and times whereon the same was vested in His Majesty, and also all and every person and persons, bodies politic and corporate, pretending to have right or title to any estate which shall have been vested or shall hereafter be vested in the said Commissioners, and who shall pretend that none of the persons registered in the books of the said Commissioners, as attainted of High Treason, or as found to be Aliens, was seized or possessed of, or interested in or entitled unto such estates, in his, her, or their own right, or to his, her, or their own use, nor any other person in trust for them or any of them, as in the Inquisitions concerning the same are respectively returned, or that they have right or title to such estate, shall, within the space of six months,

Time of making claim

the said Commissioners to be just and legal, then and in that case, the said Commissioners or the majority of them, are hereby authorised to order the Sheriff of the District where the same shall lie, to cause possession to be delivered to such claimant or claimants, his, her or their heirs, executors, administrators or successors, or to whom they or any of them shall appoint, and all and every such claimant or claimants, his, her or their heirs, executors, administrators or successors, shall hold and enjoy the same or such estate and interest therein, respectively, as shall be adjudged, determined or decreed as aforesaid.

XII. *And be it further enacted by the authority aforesaid,* That all and every the estate and interests, which shall be entered in the Register to be kept by the said Commissioners, according to the directions of this Act, to or upon which no claim shall be entered within the time and in the manner hereinafter prescribed, shall be deemed and taken, against all persons and to all intents and purposes, to be vested in the said Commissioners in virtue of this Act, and such estates and interests as shall be so entered in the said Register, and to or upon which claims shall be entered, shall in like manner be deemed and taken to be vested in the said Commissioners, subject only to such burthen, diminution or eviction, as shall arise from the determination of the claims that shall be so entered, and no otherwise.

Estates when to be vested in the commissioners.

XIII. And to the intent that the said real and personal estates may be disposed of, and the value thereof applied as herein is directed, *Be it further enacted by the authority aforesaid,* That the said Commissioners shall, as soon as convenient, use their utmost endeavours to secure all such goods and personal chattels as appear by the said extracts, or otherwise, to be vested in His Majesty, in such places, and in the custody of such persons as shall be thought most proper by the said Commissioners, for preventing the perishing, or any loss or embezzlement thereof; and the said Commissioners or the majority of them, are hereby authorised and required to sell all and singular the real estate, and also the goods and chattels, vested or to be vested in them by this Act, according to the best of their skill and judgment, and for that purpose, having caused public notice to be given for the space of ninety days at least, of the time and where they intend to begin to expose to sale any part or parcel thereof, and of the several particulars then and there to be sold, they shall sell the same by public auction, to such person or persons as shall bid most for the same, and immediately upon every such sale or contract, shall cause an entry to be made in their book of all and every the real and personal estate so sold, and of the buyer's names and places of abode, and the prices paid for the same respectively, and upon payment of the purchase money to the said Commissioners, or as soon after as conveniently may be, the said Commissioners shall deliver to the respective purchasers, the goods and chattels, and execute deeds of bargain and sale, for such real estates as shall be sold in manner aforesaid, to the respective purchasers thereof, which said deeds of bargain and sale, are hereby required to be registered, as other conveyances by deed of bargain and sale of lands in this Province, and in case any person or persons, being the highest bidder at any such auction, shall make default in payment of

Commissioners to sell forfeited estates by auction.

of the monies, according to the terms mentioned at the said auction, he, she or they shall forfeit one third of the sums for which the said real estates or goods and chattels, respectively, were sold, to be levied under a warrant, under the hands and seals of the majority of the said Commissioners, and the said Commissioners, or the majority of them, may and shall proceed to a new sale of all and every such real estate, or goods and chattels, for which such default shall be made, unto any other person or persons, as if no sale thereof had been before made.

Persons having entered into forfeited estates, or enjoyed the same without lawful title, shall account for the profits thereof to the commissioners.

or in default pay double value, to be levied &c.

XIV. *And be it further enacted by the authority aforesaid,* That all and every person and persons, who, since the committing of any act by reason of which any estate has become or may hereafter become vested in His Majesty, either by attainder, or any High Treason committed during the late war between His Majesty and the United States of America, or under the provisions of the herein before recited Act of the Parliament of this Province, passed in the fifty-fourth year of His Majesty's Reign, have entered into or upon the said estate or any part thereof, and held and enjoyed the same without any lawful title thereunto, shall be responsible for all and every the profits of the same premises, during the time of his, her, or their occupation thereof, and shall answer and pay the value thereof, to be decreed upon evidence by the said Commissioners, or the majority of them, to the said special Receiver, at such days or times as shall be appointed by the said Commissioners, or the majority of them, or in default thereof, shall forfeit double the value of the same profits by him or them received, to be levied by the said Commissioners or the majority of them, by warrant under their hands and seals, and paid into the hands of the special Receiver, to be applied as the other monies to be paid to him in pursuance of this Act.

Days of meeting of commissioners, who may send for persons, papers, &c.

administer oaths.

Penalty on Sheriffs or other officers not obeying the precepts of the Commissioners.

XV. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or the majority of them, shall and may meet on the first and third Mondays of every month, and may meet, act, and proceed at such other days and times as they may think proper, with or without adjournment, and shall and may send their precept or precepts for any person whatsoever to appear before them, and for all such books, papers, and writings, as they shall think necessary for their information in any matter or thing relating to this Act, under the same penalties and conditions as witnesses subpoenaed in civil causes, in the Court of King's Bench, and shall and may detain in their custody such books, papers, and writings, so long as they shall have occasion for the same, and then return such books, papers, and writings to the persons to whom they respectively belong, and shall and may administer oaths for the better discovery of the truth of the inquiries by them to be made, to any person or persons therein concerned, or to any other person or persons whatsoever, and all Sheriffs, Bailiffs, Constables, and other officers whatsoever, are hereby required to obey and execute such orders and precepts as shall be sent to them or any of them, by the said Commissioners, or the majority of them, as they will answer the contrary at their utmost perils; and if any officer or officers shall neglect or refuse to give obedience to the precepts and orders of the said Commissioners.

sioners, or the majority of them, for the due execution of this Act, then and in every such case, it shall and may be lawful to and for the said Commissioners, or the majority of them, to impose upon any such officer or officers, a fine not exceeding fifty pounds, sterling, for any one offence, and to commit such officer or officers, till such fine shall be paid unto the Receiver General of this Province, to and for the uses of His Majesty, His Heirs and Successors, for the public uses of this Province, and for the support of the Government thereof, to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner as it shall please His Majesty to direct.

XVI. *And be it further enacted by the authority aforesaid,* That the said Commissioners, or the majority of them, shall, and they are hereby authorized, from time to time, to appoint and employ Clerks or other necessary officers for the execution of this Act, which said Clerks or other officers respectively, are hereby required faithfully to execute and perform the trust in them respectively reposed, without taking any thing for such their service, other than such fees, salaries or rewards, as the said Commissioners, or the majority of them, shall think fit and direct in that behalf, and every such Clerk or other officer, before he enters on the execution of his employment shall take an oath for his true and faithful demeanor, in all things relating to the trusts reposed in him by the said Commissioners, and that he will not directly nor indirectly take or receive any fee or reward, or accept the promise of any fee or reward, for any thing whatsoever to be done by him in the execution of the said trusts, except what shall be settled or allowed by the said Commissioners, or the majority of them, and that he will not, directly nor indirectly, have any part, share, or interest, or make any benefit by any discoveries of any forfeited or forfeitable estates or interests whatsoever, intended to be vested in the said Commissioners, in pursuance of this Act, or conceal, or cause, or procure to be concealed the same or any part thereof.

Appointment of clerks
&c. by the Comm'rs.

Fees.

Oath to be taken by
clerks, &c.

XVII. *And be it further enacted by the authority aforesaid,* That there shall and may be paid to such person or persons as the said Commissioners or the majority of them, shall nominate, upon account for payment of salaries of inferior officers employed under them, and for incident charges in and for the performance of the several trusts by this Act committed to the said Commissioners, such sums of money as the said Commissioners, or the majority of them, judge to be necessary and reasonable in that behalf, out of such monies as shall, from time to time, be or remain in the hands of the said special Receiver for the time being, by virtue of any of the clauses, matters, or things, in this Act contained, and the said special Receiver is hereby authorised and required to pay the same out of such monies, upon vouchers or authorities signed for that purpose by the said Commissioners, or the majority of them.

Provision for the remuneration of inferior officers, by the Commissioners.

XVIII. *And be it further enacted by the authority aforesaid,* That an appeal shall lie to the Commissioners of Appeal in this Province, from the judgment and decree of the said Commissioners, upon any claim that shall be brought

Proceedings in appeal

brought before them in pursuance of this Act, and that the appellant or appellants from any such judgment or decree, shall, within twenty days from the giving or passing of the same, present to the said Commissioners or the majority of them, his, her, or their exception or exceptions to the said judgment or decree, which exception or exceptions, shall be in writing, and signed by the party or parties appealing, or his, her, or their Attorney, and shall be entered by the said Commissioners in a book to be kept by them for that purpose, a transcript of which exceptions, signed by the majority of the said Commissioners, shall be remitted without delay to the Clerk of the said Commission of Appeal for the time being, that the said Commissioners of Appeal may proceed as soon after as may be convenient, to consider the said judgment or decree, and to reverse or affirm the same as they shall judge thereupon; and if the appellant or appellants do not appear personally, or by his or their Attorney to prosecute such appeal within the next term after the said transcript shall have been filed by the Clerk of the Commissioners, the said Commissioners are hereby required to hear the argument on such appeal, ex-parte, and to decide thereupon according to their judgment on the matters contained in the said transcript, and the judgment of the Commissioners on such appeal, shall be final and conclusive.

Attorney and Solicitor
for Generals accounts
how to be audited: and
discharged.

XIX. *And be it further enacted by the authority aforesaid*, That His Majesty's Attorney and Solicitor General of this Province, shall and may make out their contingent accounts against the Government of this Province, for all services rendered by them on behalf of His Majesty, in respect of the estates hereby vested or to be vested in the said Commissioners, which accounts being duly sworn to, shall be inspected and audited by the said Commissioners, or the majority of them, following as nearly as may be the usual allowance of fees made to those officers respectively, for services of a similar nature, and the amounts of such accounts so audited, shall be paid by the said special Receiver, for the time being, under the authority of the said Commissioners, or the majority of them, out of such monies as shall come into his hands in pursuance of this Act.

Oath to be taken by
the Commissioners and
security given.

XX. *And be it further enacted by the authority aforesaid*, That the Commissioners to be appointed under this Act shall, before entering upon the duties of their office, take an oath to execute, faithfully and impartially, with all possible despatch, according to the best of their ability, the several duties imposed upon them by this Act, which oath shall be taken and subscribed before the Executive Council of this Province, and shall enter into a bond under the penalty of one thousand pounds, to pay over into the hands of the said special Receiver, all such sums of money as shall be paid to them, in pursuance of this Act, within one month after they shall receive the same respectively; and that each of the said Commissioners, acting in pursuance of this Act, shall be entitled to receive a sum not exceeding one pound per day, for every day he shall be so employed in executing the provisions of this Act, which sums shall be paid to them respectively by the said special Receiver annually, out of such monies as shall come into his hands in pursuance of this Act, upon the warrant of the Governor, Lieutenant Governor, or Person administering the Government of this Province.

Remuneration.

XXI. *And be it further enacted by the authority aforesaid,* That the special Receiver to be appointed under this Act, for the time being, shall before entering upon the duties of his office, take an oath to execute faithfully the duties imposed upon him by this Act, which oath shall be taken and subscribed before the Executive Council of this Province, and shall enter into a bond, with a penalty of four thousand pounds, with two sureties in the sum of two thousand pounds each, to pay over and duly account for all such sums of money as he shall receive in pursuance of this Act, and that the said special Receiver for the time being, shall and may retain in his hands two pounds ten shillings, for every hundred pounds to be by him received and paid in pursuance of this Act, as a remuneration for services therein, and that the balance remaining in his hands after the payment of all and every of the certificates, debentures, accounts, charges, salaries and deductions mentioned or provided in this Act, shall be paid by the said special Receiver, in discharge of such warrants as the Governor, Lieutenant Governor or Person administering the Government of this Province, by and with the advice of the Executive Council thereof, shall from time to time issue in favor of any person or persons, for any sum or sums of money to be paid them towards compensating the losses which he, she or they have sustained by the invasion of the enemy or otherwise, in consequence of the late war with the United States of America.

Oath of Special Receiver.

Security.

Remuneration.

Appropriation of proceeds of the forfeited estates, after payment of all accounts, charges and deductions.

C H A P. XIII.

An Act to repeal an Act passed in the fifty-fifth year of His Majesty's Reign, entitled "An Act to Licence PRACTITIONERS in PHYSIC and SURGERY throughout this Province" and to make further provision for Licencing such Practitioners.

[Passed 27th November, 1818.]

WHEREAS, the provisions of an Act of the Parliament of this Province, passed in the fifty-fifth year of His Majesty's Reign, entitled "An Act to Licence Practitioners in Physic and Surgery throughout this Province." have been found to be impracticable; Be it enacted by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the above recited Act be and the same is hereby repealed.

Preamble.

55th Geo. III. c 5 repealed.

II. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering

Medical Board to be appointed for examination of candidates for Licences to practice.

Certificate of the Board.

Licence.

Exceptions.

tering the Government, to constitute and appoint, under his hand and seal at arms, five or more persons legally authorised to practice Physic, Surgery, or Midwifery, in this Province, to be a Board, whereof any three to be a quorum, to hear and examine all persons desirous to apply for a Licence, to practice Physic, Surgery, and Midwifery, or either of them, within this Province, and being satisfied by such examination that any person is duly qualified to practice Physic, Surgery, and Midwifery, or either, to certify the same, under the hands and seals of two or more of such Board, whereupon the Governor, Lieutenant Governor, or Person administering the Government, being satisfied of the loyalty, integrity, and good morals of such applicant, may, under his hand and seal at arms, grant to him a Licence to practice Physic, Surgery, and Midwifery, or either, conformable to such certificate, *Provided always*, That nothing in this Act shall extend to prevent any female from practising Midwifery in this Province, or to require such female to take out such Licence, as aforesaid, *Provided also*, That no person duly authorised by any University in His Majesty's dominions, or by commission or warrant in His Majesty's Naval or Military service, or who have been heretofore licenced by any Medical Board in this Province, shall be restrained from practising for want of such Licence, as aforesaid.

Penalty for practising Physic, &c. without Licence.

How recovered and applied.

Provision in favour of resident Practitioners before 1st January 1812.

III. *And be it further enacted by the authority aforesaid*, That if any person, not excepted as aforesaid, shall practice Physic, Surgery, or Midwifery within this Province, without such Licence, he shall for every such offence, forfeit and pay the sum of one hundred pounds, to be recovered in His Majesty's Court of King's Bench, by action of debt, bill, plaint, or information, one moiety whereof shall be given to the informer, and the other moiety paid into the hands of the Receiver General of this Province, to and for the use of His Majesty, His Heirs and Successors, and to and for the use of this Province, and the support of the Civil Government thereof, to be accounted for to His Majesty through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as it shall please His Majesty to direct, *Provided always*, That nothing in this Act shall extend to any person who has been resident, practicing Physic, Surgery, and Midwifery, before the first of January, one thousand eight hundred and twelve, until twelve months after the constitution of such board as aforesaid, and notice thereof, and of the time and place of its assembling, be given in the Upper Canada Gazette.

Fees on Certificates.

And on Licences.

IV. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for such Board, to ask, demand and receive for every such certificate from the person claiming the same, the sum of three pounds ten shillings, and that it shall also be lawful for the private Secretary of the Governor, Lieutenant Governor or Person administering the Government, to ask, demand and receive for such Licence, of and from the person receiving the same, the sum of twenty shillings.

V. [Repealed by 59th Geo. III. 2d Session, c. 2, s. 1.]

C H A P.

C H A P. XIV.

An Act to repeal an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, entitled, "*An Ordinance concerning LAND SURVEYORS, and the ADMEASUREMENT of LANDS,*" and also to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's Reign, entitled, "*An Act to ascertain and establish on a permanent footing the BOUNDARY LINES of the different Townships of this Province,*" and further to regulate the manner in which Lands are hereafter to be Surveyed.

[Passed 27th November, 1818.]

WHEREAS, an Ordinance of the Province of Quebec, passed in the twenty-fifth year of His Majesty's Reign, entitled, "*An Ordinance concerning Land Surveyors, and the Admeasurement of Land,*" is in many instances, as far as the same relates to this Province, found to be inapplicable, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province.'*" and by the authority of the same, That the said Ordinance, so far as it relates to, or affects this Province, be and the same is hereby repealed.

Preamble.

Ordinance of Quebec respecting Land Surveyors, repealed.

II. And whereas, it is necessary to extend the provisions of an Act, passed in the thirty-eighth year of His Majesty's Reign, entitled, "*An Act to ascertain and establish on a permanent footing the Boundary Lines of the different Townships of this Province, Be it enacted by the authority aforesaid,*" That all boundary lines of Townships, all concession lines, governing points, and all boundaries, posts or monuments, which have been placed or planted at the front angles of any lots or parcels of Land, in the first Survey, intended to determine the width of such lots or parcels of Land, provided such Survey has been performed under the authority of the Executive Government of the late Province of Quebec, or under the authority of the Executive Government of this Province, shall be and the same are hereby declared to be the true and unalterable boundaries of all and every of such Townships, concessions, and lots respectively, and that every lot or parcel of Land respectively, whether it shall upon admeasurement be found to contain the exact width, or more or less than what may be expressed in any Letters Patent, Grant or other Instrument, in respect of such Boundaries or Lines mentioned and expressed, shall embrace the whole width contained between the front posts, monuments or boundaries, planted or placed at the front angles of any such lot or parcel of Land as aforesaid, in such original Survey as aforesaid, and no more nor less, and every half or quarter of such lot or parcel, its proportion, any thing in such patent or instrument to the contrary thereof in anywise notwithstanding.

38th Geo. III. c. 1.

What are declared to be unalterable boundaries of townships, concessions and lots.

Course of division &
side line.

III. *And be it further enacted by the authority aforesaid*, That the Boundary Line of each and every Township, on that side from which the lots are numbered, shall be and the same is hereby declared to be the course or courses of the respective division or side lines throughout the several Townships and concessions of this Province respectively, and all Surveyors shall and are hereby required, to run all division or side lines, which they may be called upon by the owner or owners of any Lands to Survey, to correspond with and be parallel to the respective Town lines, from whence the lots are numbered as aforesaid.

How Surveyors to
proceed in running the
side lines or limits be-
tween lots.

IV. *And be it further enacted by the authority aforesaid*, That every Licensed Surveyor, when and as often as he is employed to run any side line or limit, between lots or lines required to go the same course of the side lines or limits between lots in the Concession in which the Land to be Surveyed lies, shall, if it has not been done before, or if it has been done, but the course cannot at such time be truly ascertained, determine by a true meridian line, or some other infallible method, the true course of a straight line between the front and rear angles of such Concession, on that boundary of the Township from which the lots are numbered, and run such line or lines, as aforesaid, truly parallel to such course, which is hereby declared, and shall at all times be deemed and taken to be the true course of such lines in the several Townships of this Province.

Qualification of Sur-
veyors.

V. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, no person shall act as a Surveyor of Lands in this Province, until he shall have been duly examined by the Surveyor General or Deputy Surveyor General thereof, as to his fitness and capacity, and shall have obtained a Licence from and be appointed to act as such by the Governor, Lieutenant Governor, or Person administering the Government of this Province for the time being, and shall have entered into a bond with two sufficient sureties, in the sum of five hundred pounds, to His Majesty, His Heirs and Successors, for the due performance of his office, and shall have taken and subscribed the oath of allegiance, and the following oath, before the Surveyor General, or Deputy Surveyor General of this Province:

Bond to be given

and oath taken by
them.

I, A. B. do solemnly swear that I will well and truly discharge the duty of a Surveyor of Lands, agreeably to the Law, without favour, affection, or partiality, when and as often as I may be required thereto by any person or persons, or by the rule or order of any Court of Justice, and which I will faithfully and without unnecessary delay submit to the party requiring the same or the Court directing my duty; also a plan of Survey, if required—
So HELP ME GOD;

Exception in favor of
persons now authoris-
ed.

Provided always, That this Act shall not extend or be construed to extend to prevent any person or persons from acting as a Surveyor of Lands in this Province, who is now authorised to act as such by virtue of a Licence from the Governor, Lieutenant Governor, or Person administering the Government of this Province.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Surveyor General or Deputy Surveyor General of this Province, to examine applicants to Survey, and if found competent, to grant certificates to that effect, and to administer the foregoing oaths, which oaths shall be deposited in the Surveyor General's office.

Surveyor General or Deputy Surveyor Gen. to examine applicants and administer oaths.

VII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to grant Licences to such persons as are well recommended, on their producing satisfactory certificates from the Surveyor General or Deputy Surveyor General of this Province, of their competent knowledge of the theory and practice of Surveying in all its branches, to survey in this Province during their good behaviour.

Licence to be granted to Surveyors.

VIII. *And be it further enacted by the authority aforesaid,* That each and every chain-bearer shall take an oath to act as such, justly and exactly, according to the best of his judgment and abilities, and to render a true account thereof to the Surveyor by whom he may have been appointed to such duty, which oath the Surveyor employing such chain-bearer, is hereby authorised and required to administer.

Chain bearers to be sworn.

IX. *And be it further enacted by the authority aforesaid,* That the front of each Concession, lot, or parcel of Land, shall be considered to be, and the same is hereby declared to be that end or boundary of such Concession, lot, or parcel of Land, which is nearest to the boundary of the respective Townships from which the several Concessions thereof are numbered.

What shall be taken to be the front of each concession.

X. *And be it further enacted by the authority aforesaid,* That in all cases when any letters patent of grant or other instrument, has issued for several lots or parcels of Land, in Concessions adjoining each other, the side lines or limits between lots or parcels of Land therein mentioned and expressed, shall commence at the front angles of every such lot or parcel of Land respectively, and run agreeably to the courses of the respective Townships as herein before enacted, and shall not continue on in a direct line through several Concessions, unless such line or lines, when run truly parallel to such governing boundaries of such Townships, as aforesaid, shall intersect the corresponding post or monument at front of such Concession next in rear.

How the side lines between lots shall be ascertained in cases where a patent has issued embracing several lots.

XI. *And be it further enacted by the authority aforesaid,* That in all cases when any Licenced Surveyor shall be employed to run any side line, or limit between lots, and the original post or monument, from which such line should commence cannot be found, every such Surveyor shall, in every such case, obtain the best evidence that the nature of the case will admit of, respecting such limit, but if such limit cannot in such manner be nearly ascertained, then such Surveyor shall proceed to measure the true distance between the nearest undisputed posts, limits, or monuments, into such number of lots as the same contained in the original Survey of such Township,

How Surveyors are to proceed when the original posts or monuments are lost.

ship, having due respect to any allowance for road or roads, common or commons, as were contained in such original Survey, and such limit, so found, shall be taken to be, and the same is hereby declared to be the true limit in every such case, if accurately obtained, any Law or usage to the contrary thereof in any wise notwithstanding.

What proceedings shall be had when actions of ejectment are brought for land improperly occupied in consequence of erroneous Surveys.

XII. *And be it further enacted by the authority aforesaid*, That if any action of ejectment shall be brought against any person or persons, who after these lines have been established by virtue of this Act, shall be found, in consequence of unskilful Surveyors, to have improved on Land not his, her, or their own, it shall and may be lawful for the Judge of Assize, before whom such action is tried, to direct the Jury to assess such damages for the defendant or defendants for any loss he, she, or they may sustain in consequence of any improvement, made before such action is commenced, and also assess the value of the Land to be recovered, and if a verdict shall be found for the plaintiff or plaintiffs, no writ of possession shall issue, until such plaintiff or plaintiffs have tendered or paid the amount of such damages, as aforesaid, or shall release the said Land to the defendant, provided the said defendant shall pay or tender to the plaintiff the value of the Land so assessed, before the fourth day of the ensuing Term.

C H A P. XV.

38 Geo. III. c. 6.

An Act further to extend the provisions of an Act passed in the thirty-eighth year of His Majesty's Reign, entitled, "*An Act to extend the provisions of an Act passed in the second Session of the first Provincial Parliament of Upper Canada*," entitled '*An Act to confirm and make valid CERTAIN MARRIAGES heretofore contracted in the Country now comprized within the Provinces of Upper Canada, and to provide for the further SOLEMNIZATION of MARRIAGE within the same.*'"

[Passed 27th November, 1818.]

Preamble.

33d Geo. III. c. 5.

WHEREAS, it is expedient to extend the benefit of an Act passed in the thirty-third year of His Majesty's Reign, intituled, "*An Act to confirm and make valid certain Marriages heretofore contracted in the country now comprized within the Province of Upper Canada, and to provide for the future Solemnization of Marriage within the same, to such persons who have neglected to avail themselves of the enactment in the second section of said Act, in preserving the testimony of such Marriage, and the birth of their children, within three years from the passing thereof*," Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further*

ther provision for the Government of the said Province," and by the authority of the same, That in order to enable such person or persons who have neglected to avail themselves of the benefit of the said enactment, to preserve the testimony of such Marriage, and to effectuate the same, it shall and may be lawful, at any time within three years after the passing of this Act, for any Magistrate of the District where such parties may have contracted Matrimony, declared valid by the said recited Act, passed in the thirty-third year of His Majesty's Reign, to administer to either of the parties surviving, Husband or Wife, the following oath :

I, A. B. do solemnly swear in the presence of Almighty God, that I did publicly intermarry with C. D. on or about the day of and that there is now living issue of the said Marriage (as the case may be) I. B. born on the day of M. B. born on the day of .

Which form of Attestation shall be subscribed by the parties, if living, or by the surviving Husband or Wife, and certified under the hand and seal of the Magistrate administering the said Oath, who shall be entitled to demand and receive one shilling for such certificate, and that it shall and may be lawful for the Clerk of the Peace of the District, to enter and record, and he is hereby required, upon the payment of two shillings, to enter and record such attestation duly certified as aforesaid, in a Book or Register to be by him kept for that purpose, and that such Register or any attested copy thereof, which copy the said Clerk is hereby required to make out, and on the payment of the sum of two shillings, to deliver to any person requesting the same, shall be held and taken as sufficient evidence of such Marriage and the Birth of such children, in all His Majesty's Courts of Law and Equity, any thing in the said recited Act of the thirty-third year of His Majesty's Reign contained, to the contrary notwithstanding.

Persons having neglected to avail themselves of the provisions of 33 Geo 3. c 6, may within 3 years preserve the testimony of their marriage, and effectuate the same by complying with the provisions of this Act.

Oath.

Certificate, and fee for same.

Evidence of the marriage.

C H A P. XVI.

An Act to alter and amend the Laws now in force, for Levying and Collecting LIGHT-HOUSE and TONNAGE DUTIES, and to relieve Vessels propelled by Steam, from paying the said Duty on the space occupied by the Engine, Machinery and Fuel.

[*Passed 27th November, 1818.*]

WHEREAS, by an Act passed in the forty-third year of his Majesty's Reign, entitled, "An Act to explain and amend an Act passed in the forty-first year of His Majesty's Reign, entitled, 'An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like Duties on goods, wares, and merchandize brought into this Province from the United States of America, as are now paid on goods, wares, and merchandize imported from Great Britain and other places, and to provide more effectually for the collection and payment of Duties on goods, wares and merchandize, coming from the United States of America into this Province, and also to establish a fund for the erection and repairing of Light-Houses," *It is enacted*, that the sum of Three Pence per Ton, shall be demanded

Preamble.

43d Geo 3. c 2

manded for every vessel, boat, raft or other craft of the burthen of ten tons and upwards, that may enter certain Ports on Lake Ontario, for Light-House and Tonnage Duty: And whereas, it is inexpedient that such Tonnage and Light-House Duty, should hereafter be enforced and collected at any port where there is no Light-House erected, or that such Tonnage and Light-House Duty should be paid on any vessel propelled by Steam, on the space occupied by the Engine, machinery and wood; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That from and after the passing of this Act, the usual space occupied by the engine and machinery, with the requisite stowage of wood, be taken and considered to occupy one third part of such vessel, and be deducted from her full and actual admeasurement, nor shall the said vessel be liable to pay Light-House or Tonnage Duty on any more than two third parts of her actual admeasurement, any Law or usage to the contrary thereof in anywise notwithstanding.

Steamboats or vessels only to pay light-house or tonnage duty on 2-3 of their actual admeasurement, the remaining 1-3 to be deducted for the machinery and fuel.

No light-house duty to be paid at any port where there shall be no lighthouse erected.

II. And whereas, it is expedient to alter and amend the Laws now in force as far relates to levying and collecting Tonnage and Light-House Duty, *Be it therefore enacted by the authority aforesaid,* That no vessel, boat, raft, or other craft of the burthen of ten tons and upwards, that shall enter any port within this Province, shall be liable to pay any Light-House Duty, at any port where there shall be no Light-House erected, any Law or usage to the contrary notwithstanding.

C H A P. XVII.

An Act to amend the Laws now in force for Granting WHOLESALE LICENCES.

[Passed 27th November, 1818.]

Preamble.

68th Geo. 3. c 1, repealed, & the 4th clause repealed.

WHEREAS, it is expedient to repeal part of and extend the provisions of an Act passed in the fifty-eighth year of His Majesty's Reign, entitled, "An Act to impose a duty upon persons selling Wine, Brandy, and other Spirituous Liquors by wholesale, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual

effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province," and by the authority of the same, That the fourth clause of the said recited Act be and the same is hereby repealed.

II. *And be it further enacted by the authority aforesaid,* That nothing in the said recited Act shall extend or be construed to extend to prohibit any person or persons, from exposing for sale and vending in the usual manner, such Liquors as they obtain from the distillation of grain raised upon their own farms, or to prohibit any person who shall have taken out or who may hereafter take out a Licence for the distillation of Spirituous Liquors, from selling such Liquors, as he shall have distilled, without taking out the Licence required by this Act.

Nothing in that Act shall prevent persons from vending in the usual manner liquors distilled from grain raised on his own farm, or persons who have taken out licences to distil, from selling the liquors he may distil, without any licence under this Act.

C H A P. XVIII.

An Act for granting to His Majesty a sum of Money for the SURVEY of the WATERS of the SAINT LAWRENCE, and for other purposes therein mentioned.

£2000 granted to His Majesty to be expended in procuring surveys of the St. Lawrence, & estimates for improvements in the navigation.

C H A P. XIX.

An Act to REMUNERATE certain Persons therein mentioned.

£287 12s 7d granted to His Majesty for sundry disbursements in the public service.

To James Durand, Esquire.
To Allan M'Lean, Esquire.
William Fairfield, Esquire.
To John Cumming, Esquire.
To John Ryder.
To the Honorable Thomas Clark.

STATUTES OF UPPER-CANADA,

PASSED IN THE *FOURTH* SESSION OF THE *SEVENTH* PROVINCIAL
PARLIAMENT,

MET AT YORK, ON THE SEVENTH DAY OF JUNE, AND PROROGUED ON THE TWELFTH
DAY OF JULY FOLLOWING, IN THE FIFTY-NINTH YEAR
OF THE REIGN OF GEORGE III.

SIR PEREGRINE MAITLAND, K. C. B. LIEUTENANT GOVERNOR.

ANNO DOMINI 1819.

C H A P. I.

An Act to repeal part of the Laws now in force, imposing DUTIES on GOODS, WARES, and
MERCHANDISE, imported into this Province from the United States of America, and to
make further REGULATIONS for the TRADE between this Province and the said United
States of America, by Land and inland Navigation.

[*Passed 12th July, 1819.*]

MOST GRACIOUS SOVEREIGN,

Preamble

WHEREAS, it is expedient for the better collection of your Majesty's
Revenue, to repeal part of and to amend the Laws now in force
for imposing duties on Goods, Wares, and Merchandise, imported from the
United States of America, We your Majesty's faithful Commons of this Pro-
vince, beseech your Majesty that it may be enacted, and Be it enacted by the
King's Most Excellent Majesty, by and with the advice and consent of the
Legislative Council and Assembly of the Province of Upper Canada, consti-
tuted and assembled by virtue of and under the authority of an Act passed in
the Parliament of Great Britain, intituled "An Act to repeal certain parts of an

an Act passed in the fourteenth year of His Majesty's Reign, intituled 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That so much of an Act of the Parliament of this Province, passed in the forty-first year of His Majesty's Reign, entitled, "An Act for granting to His Majesty, His Heirs and Successors, to and for the uses of this Province, the like duties on Goods, Wares, and Merchandise, brought into this Province from the United States of America, as are now paid on Goods, Wares, and Merchandize, imported from Great Britain, and other places," as imposes the same duties which are levied and collected in the Province of Lower Canada, under and by virtue of any Act passed in the said Province of Lower Canada, on Goods, Wares, and Merchandise, brought into that Province from Great Britain, and parts beyond the sea, and also an Act of the Parliament of this Province, passed in the fifty-ninth year of His Majesty's Reign, entitled, "An Act to regulate the Trade by Land and inland Navigation, between this Province and the United States of America," be and the same are hereby repealed.

Part of 41st Geo 3. c 5, repealed.

also 59th, c 1.

II. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, there shall be raised, levied, collected, and paid the following duties on all Goods, Wares, and Merchandize, the growth, produce, and manufacture of the United States of America, imported into this Province from the said United States of America, by the person or persons importing the same, that is to say :

Duties imposed on certain articles imported from the U. States of America.

Ale, Beer, or Porter, in casks, four pence per gallon.

Ale, Beer, or Porter, in bottles, four pence per gallon.

Cables and tarred Rope, two pence per pound.

Cordage untarred, two pence per pound.

Playing Cards, one shilling per pack.

Tallow Candles, two pence per pound.

Wax or Spermaceti Candles, four pence per pound.

Cider, five shillings per Barrel, of thirty-six gallons.

Sole Leather, one penny per pound.

Calf Skins and other Skins, dressed as Upper Leather, one shilling each.

Harness Leather, one penny per pound.

Nails, two pence per pound.

Salt, six pence per bushel, of fifty-six pounds.

Spirits, one shilling and three pence per gallon.

Snuff, five pence per pound.

Manufactured Tobacco, four pence per pound.

And on all other Goods, Wares, and Merchandise, not herein before enumerated, the growth, produce, or manufacture of the said United States of America, a duty of five pounds on every hundred pounds, ad valorem, of the value of such Goods, Wares, and Merchandise, as aforesaid; *Provided always*, That nothing in this Act contained, shall extend or be construed to extend to prevent or in any wise prohibit the importation, free from the payment of any duty, of the following articles, being the growth,

Ad valorem duty of 5 per cent.

Certain articles admitted free of duty.

produce, or manufacture of the said United States of America; unmanufactured Tobacco, Staves and Heading, Wheat, Pot and Pearl Ashes, Furs and Skins not dressed, Pork and live Cattle, Sheep, Hogs and Tallow, and the personal Baggage, travelling Horse or Horses, travelling Carriage or Carriages of any person or persons, subjects or foreigners, who may lawfully come into or reside in this Province. *Provided always*, That nothing in this Act contained shall extend or be construed to extend to prohibit the admission of Flour, Oak, Pine, and Fir Timber, into this Province, free of duty, for exportation only.

Others free of duty
for exportation only.

Tonnage on Ameri-
can vessels.

Report by Master,
&c.

Exceptions.

Further exceptions.

Duties how to be
paid over and account-
ed for.

III. *And be it further enacted by the authority aforesaid*, That from and after the passing of this Act, there shall be paid on all vessels or boats the property of the citizens of the United States of America, coming into any of the ports of this Province, the following duties, namely, on all vessels above five tons to fifty tons, the tonnage duty of three pence per ton; on all vessels above fifty tons, six pence per ton. *Provided always*, That whenever any ship or vessel, laden as aforesaid, the cargo or load whereof is intended to pass by such port or ports, in order to be transported to Lower Canada, the master or other person having charge or command of such ship or vessel, or the agent or agents for the proprietor or proprietors thereof, shall forthwith on the arrival at any such port or ports of entry, as aforesaid, make a report and declaration thereof to the Collector, or his Deputy, stationed at such port or ports of entry, and such report and declaration shall be verified on oath, and such master or person commanding such vessel, or agent or agents for the proprietor, if required, shall, and he is hereby required to enter into a bond in double the amount of the tonnage duty imposed by this Act, for the payment thereof, should the whole or any part of such Goods, Wares, and Merchandise, remain in or be unexported from this Province. *And provided also*, That nothing in this Act contained shall extend or be construed to extend to compel the payment of any tonnage duty on vessels exclusively employed for the purpose of transporting passengers and their baggage.

IV. *Provided always, and be it further enacted by the authority aforesaid*, That nothing in this Act contained, shall extend or be construed to extend to authorise the demand of tonnage duty on any such vessel laden exclusively with Goods, Wares, and Merchandise, in transitu for Lower Canada.

V. *And be it further enacted by the authority aforesaid*, That all monies collected under and by virtue of this Act, shall be paid into the hands of the Receiver General, to and for the uses of His Majesty, His Heirs and Successors, for the public uses of this Province, and towards the support of the Government thereof, to be accounted for to His Majesty, through the Lords Commissioners of His Treasury, for the time being, in such manner as it shall please His Majesty to direct. *Provided always*, That nothing in this Act contained shall extend or be construed to extend to affect the provisions of any Act of the Parliament of Great Britain, for regulating the intercourse of this Province with the United States of America.

VI. *And be it further enacted by the authority aforesaid, That this Act shall be in force from and after the passing thereof until the end of the next ensuing Session of the Provincial Parliament.*

Continuation of this Act.

C H A P. II.

An Act to repeal part of and to amend an Act passed in the fifty-ninth year of His Majesty's Reign, entitled, "*An Act to repeal an Act passed in the fifty-fifth year of His Majesty's Reign,*" entitled, "*An Act to Licence PRACTITIONERS in PHYSIC and SURGERY throughout this Province, and to make further provision for Licencing such Practitioners.*"

[Passed 12th July, 1819.]

WHEREAS, by the fifth clause of an Act of the Parliament of this Province, passed in the fifty-ninth year of His Majesty's Reign, entitled, "*An Act to repeal an Act passed in the fifty-fifth year of His Majesty's Reign,*" entitled, "*An Act to Licence Practitioners in Physic and Surgery, throughout this Province, and to make further provision for Licencing such Practitioners,*" the Board constituted and appointed by virtue of and under the authority thereof, is required to be held at York, on the first Monday in January and July in each year; and whereas, much delay and inconvenience may arise from a limitation of the sittings of the said Board to those periods; and whereas, it is expedient to make further provision for the constitution and organization of the said Board; Be it enacted by the King's Most excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That the fifth clause of the said recited Act of the fifty-ninth year of His Majesty's Reign be, and the same is hereby repealed.

Preamble.

50 Geo. III. c. 13, recited.

5th clause repealed.

II. *And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said Board, or a majority of the Members composing the same, to appoint, from time to time, a fit and proper person to be Secretary of the said Board, which Secretary shall attend the meetings of the said Board, and keep a record of the proceedings of the same in a book or books to be by him provided for that purpose, together with all such matters and things as to the said Board shall appertain.*

Secretary of the Board to be appointed.

His duty.

III. *And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the said Board shall be kept and held in the Town of York in the Home District four times in each year, viz: on the first*

Board to sit at four periods in the year.

Sitting not to exceed
a week.

first Monday in January, April, July and October respectively, and may be continued by adjournment from day to day until the business before the Board is finished, *Provided* that no one Quarterly sitting shall be so continued by adjournment, beyond the Saturday of the week in which such sitting shall commence.

Notice of application
for Licence to be giv-
en to the Secretary.

Fees to the Secre-
tary.

IV. *And be it further enacted by the authority aforesaid,* That every person desirous of being examined by the said Board, touching his qualifications for the practice of Physic, Surgery and Midwifery or either of them, shall, and he is hereby required to give due notice thereof to the Secretary aforesaid, in writing, setting forth the branch or branches of Medical practice that he wishes to be examined in, and shall pay to the Secretary aforesaid, the sum of ten shillings, as his fee for receiving and entering the same, and a further sum of ten shillings as his fee, upon receiving the certificate of the Board.

C H A P. III.

An Act to give effect and validity to DEEDS executed by MARRIED WOMEN in the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Colonies, and to repeal part of and amend an Act passed in the forty-third year of His Majesty's Reign, entitled, "*An Act to enable MARRIED WOMEN having Real Estate, to ALIEN and CONVEY the same.*"

[*Passed 12th July, 1819.*]

Preamble.

WHEREAS, there is by Law no provision enabling Married Women resident abroad, and owning Real Estate in this Province, to Alien the same; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,*" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for any Married Woman, having Real Estate in this Province, and being above the age of twenty one years, with the knowledge and consent of, and by any Deed or Deeds jointly with her husband, to Alien, depart with, and convey any Real Estate whereof she may be seized within this Province, to such use or uses, as to her and her said husband shall seem meet, which conveyance shall be as valid and effectual in Law to all intents and purposes as if she were sole, any Law or usage to the contrary notwithstanding.

Married women ena-
bled to alienate their
real estate by deed ex-
ecuted jointly with
their husbands.

Examination & con-
sent necessary to ren-
der such deed effectual.

II. *Provided nevertheless,* And it is hereby declared, that nothing in such Deed contained, shall have any force or effect to bar such Married Woman
or

or her said Husband, or her Heirs during the continuance of her coverture, or after the dissolution thereof, or shall be held to have any force or effect whatsoever, unless such Married Woman, if resident in Upper Canada, shall appear before any Judge or other Person mentioned and described in a certain Act passed in the Parliament of this Province, in the forty-third year of His Majesty's Reign, entitled, "An Act to enable Married Women, having Real Estate, more conveniently to Alien and convey the same," or unless such Married Woman, being resident in Great Britain or Ireland, or any Colony belonging to the Crown of Great Britain, shall appear before the Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or the Chief Justice or any one of the Judges of the Supreme Court of any Colony belonging to the Crown of Great Britain, and be examined by such Mayor or Chief Magistrate, or Chief Justice or Judge, touching her consent to Alien and depart with such Real Estate, and shall freely and voluntarily, and without coercion give her consent before such Mayor or Chief Magistrate, or Chief Justice or Judge as aforesaid, to Alien and depart with such Estate.

If femme covert resident in the Province.

If resident in Great Britain or Ireland or any British Colony.

III. *And be it further enacted by the authority aforesaid,* That in case it shall appear to such Mayor or Chief Magistrate, Chief Justice or Judge, that such Married Woman doth freely and voluntarily consent to depart with, Alien, and convey her said Real Estate, without coercion on the part of her Husband or any other person, it shall and may be lawful for such Mayor or Chief Magistrate, Chief Justice or Judge, to cause a certificate thereof to be endorsed on the Deed so executed by her and her said Husband as aforesaid, which certificate shall state the day on which such examination is taken, and shall be signed by the Mayor or Chief Magistrate, Chief Justice or Judge before whom the same shall be taken, and forasmuch as the second Section of the said recited Act of the forty-third year of the Reign of His Majesty, the examination of any Married Woman touching her consent to Alien, depart with and convey any Real Estate in this Province, shall take place within six months from the time of the execution of any Deed or Conveyance, the same being found inconvenient and impracticable in many cases: It is hereby enacted, that so much of the said second Section of the said Act, as enacts that such examination shall take place within six months from the time of the execution of any Deed or Conveyance as therein stated, shall be and the same is hereby repealed.

Certificate to be given of such examination and consent.

Provision of 43d Geo 3. c. 6, requiring examination to be within six months, repealed.

IV. *And be it further enacted by the authority aforesaid,* That all examinations of such Married Women, and certificate of such Deeds as before mentioned, which may be taken and made, as by the said several recited Acts are mentioned, shall be valid in Law, if the said examination and certificate shall be taken and made within twelve months from the date of the execution of any such Deed or Conveyance.

Twelve months allowed from the execution of the conveyance

V. *And be it further enacted by the authority aforesaid,* That no Certificate to be granted as aforesaid by any such Mayor or Chief Magistrate of any Borough or Town Corporate in Great Britain or Ireland, or of any Colony belonging to the Crown of Great Britain, shall have any force or effect, unless the Seal of such City, Borough or Town Corporate shall be affixed thereto.

Certificate of mayor or chief magistrate of any borough or town corporate or colony, to have the seal of such city &c. affixed.

C H A P.

C H A P. IV.

An Act to repeal part of and to amend the Laws now in force for establishing PUBLIC SCHOOLS in the several Districts of this Province, and to extend the provisions of the same.

[*Passed 12th July, 1819.*]

MOST GRACIOUS SOVEREIGN,

Preamble.

47th Geo 3. c 6, re-
cited.

A District School es-
tablished in the Dis-
trict of Gore.

£100 per annum ap-
propriated to pay the
salary of the Teacher.

Trustees to be ap-
pointed.

Annual public exa-
mination to held of e-
very District School.

WHEREAS, it hath been found expedient to repeal part of and to amend an Act passed in the forty-seventh year of His Majesty's Reign, entitled, "An Act to establish Public Schools in each and every District of this Province, and to extend the provisions of the same;" Be it therefore enacted by the King's Most Excellent Majesty, and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That provision be made by Law, for the establishing of a Public School in the District of Gore.

II. And be it further enacted by the authority aforesaid, That from and out of the rates and duties raised, levied and collected, or hereafter to be raised, levied and collected, to and for the Public uses of this Province, and unappropriated, there be granted annually to His Majesty, His Heirs and Successors, the sum of one hundred pounds, which sum of one hundred pounds shall be appropriated and applied, and disposed of in paying the salary of the Teacher of the said School, which said sum of one hundred pounds shall be paid by the Receiver General of this Province in discharge of such warrant or warrants as shall for that purpose be issued by the Governor, Lieutenant Governor or Person administering the Government of this Province, and shall be accounted for to His Majesty, His Heirs and Successors through the Lords Commissioners of His Majesty's Treasury for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be pleased to direct.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint Trustees and a Teacher in the said District of Gore, under the like provisions as are contained in the said Act of the forty-seventh year of His Majesty's Reign, entitled, "An Act to establish Public Schools in each and every District of this Province."

IV. And be it further enacted by the authority aforesaid, That the Trustees of each and every District School within this Province, shall direct a public

public examination of their respective Schools, to be held previous to the usual annual vacation, at which they or a majority of them shall assist, and it is hereby required, that such public examination shall be holden every year at the time aforesaid.

V. *And be it further enacted by the authority aforesaid,* That the Trustees for the respective District Schools as aforesaid, in each and every District in this Province, shall and they are hereby required once in every year, after the public examination as aforesaid, to report to the Governor, Lieutenant Governor, or Person administering the Government of this Province, the state of the said Schools, the number of Scholars, the state of Education, with the different branches taught in the said School, the number of Scholars who have completed their Education, together with all other matters and things that may tend to cherish the prosperity of the said Schools, or that may in any wise benefit the same, that the said report may be laid before the Legislature at its first meeting, for their inspection.

Annual reports to be made by the Trustees of District Schools, to the Lt. Governor,

to be laid before the Legislature.

VI. *And be it further enacted by the authority aforesaid,* That in order to extend the benefit of a liberal Education to promising children of the poorer inhabitants, the Trustees of each and every School have the power of sending Scholars, not exceeding ten in number, to be taught gratis, at the respective District Schools.

Ten poor children to be educated at each School, gratis.

VII. *Provided always, and be it further enacted by the authority aforesaid,* That the said Scholars so to be taught as aforesaid, shall once in every four years be drawn by lot, in manner following, viz: the Trustees for the Common Schools now or hereafter to be established by virtue of any Act of the Parliament of this Province, shall and they are hereby authorized to return the name or names of one or more, not exceeding four from each Common School, of the most promising Scholars as aforesaid, of their respective Schools, to the Trustees of the District Schools for the District in which they shall respectively reside, which Trustees shall, and they are hereby required, at a special meeting to be openly held for that purpose, inscribe each and every name so returned to them on a separate and distinct slip of paper, being all as nearly as possible, of the same size, which slip of paper shall be put into a box or glass, to be provided for that purpose; and at such meeting as aforesaid, the same shall in the presence of the said Trustees, be openly drawn by some disinterested person, and each and every Scholar so chosen as aforesaid, shall be entitled to receive his Education gratuitously at the said District School, and the Teacher thereof shall, and he is hereby required to educate such Scholar as aforesaid.

How such Scholars are to be selected.

VIII. *And be it further enacted by the authority aforesaid,* That in case any vacancy shall ensue in consequence of the refusal or decease, or from any other cause whatever of any Scholar or Scholars drafted as aforesaid, to be taught in the District School, it shall and may be lawful for the Trustees of the Common School, from which such Scholar or Scholars shall have been drafted, to make a second ballot to fill up the vacancy.

Vacancies filled up.

Parts of 47th Geo. 3.
c 6, repealed.

IX. *And be it further enacted by the authority aforesaid,* That so much of the third clause of the said Act, entitled, "An Act to establish Public Schools for each and every District in this Province," as relates to the Public Schools in the District of London and Johnstown, be and the same is hereby repealed.

Where the Public
Schools shall be kept
in the Dists. of John-
stown, Gore & London.

X. *And be it further enacted by the authority aforesaid,* That the Public School for the District of London shall be opened and kept in the Town of Vittoria, in the Township of Charlotteville; and the Public School for the District of Johnstown, shall be opened and kept in the Village of Brockville, in the Township of Elizabeth Town; That the Public School for the District of Gore, shall be opened and kept at the Town of Hamilton in the District of Gore.

Teachers to be ap-
pointed hereafter, shall
have no more than £50
per an. unless they have
more than ten Scholars

XI. *Provided always, and be it further enacted by the authority aforesaid,* That to every Teacher hereafter to be appointed, there shall be only fifty pounds paid, unless the average number of Scholars exceeds ten.

Form of certificate
to be given by Trus-
tees.

XII. *And be it further enacted by the authority aforesaid,* That the certificate required from the Trustees, by the twelfth clause of the said Act passed in the forty-seventh year of His Majesty's Reign, shall declare that, "At a Public Meeting of the Trustees of the District School, upon due notice given for that purpose, a majority of the Trustees being present, We certify, &c. &c."

C H A P. V.

An Act for establishing a POLICE in the TOWN of NIAGARA, in the DISTRICT of NIAGARA, and for other purposes therein mentioned.

[Passed 12th July, 1819.]

Preamble.

WHEREAS, it is expedient to provide for the regulation of the Police of the Town of Niagara, in the Niagara District of this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That it shall be lawful for the Magistrates assembled in Quarter Sessions for the said District or the majority of them, to make, ordain, constitute and publish such prudential Rules and Regulations as they may deem expedient, relative to building a Market House, paving,

Magistrates of the
District of Niagara au-
thorised to make cer-
tain rules and regula-
tions.

paving, lighting, keeping in repair, and improving the streets of the said Town, regulating the assize of bread, slaughter houses and nuisances, and also relative to the inspection of weights, measures, fire men and fire companies. *Provided always*, that nothing herein contained shall extend or be construed to extend to the regulating or ascertaining the price of any commodities or articles of provision, other than bread, that may be offered for sale. *Provided also*, that such Rules and Regulations, be not contrary to or inconsistent with the Laws and Statutes of this Province.

Not regulating the price of any provision but bread,

and not being repugnant to the Laws of this Province.

II. *And be it further enacted by the authority aforesaid*, That the Magistrates in Quarter Sessions assembled for the said District or the major part of them, in the month of April in each and every year, may raise by assessment from the persons rated upon any assessment for property in the said Town, a sum not exceeding one hundred pounds, in any one year, for building a Market House, for purchasing and keeping in repair fire engines, ladders, buckets, and other utensils for the extinguishing of fires, and for making any other necessary improvements in the said Town, exclusive of the sum such person may be rated for, in, and upon any other assessment of this Province, and in order to carry such assessment into effect, it shall be the duty of the Clerk of the Peace for the said District to select from the general assessments of the said District, a list or assessment of the rateable property that each and every person owns or possesses in the said Town, ready to be laid before the Magistrates in Quarter Sessions assembled, for the said District, in April in each and every year, after the present year.

Magistrates may raise by assessment any sum not exceeding £100 annually for certain purposes.

Extracts to be furnished by the clerk of the Peace.

III. *And be it further enacted by the authority aforesaid*, That such assessment, as aforesaid, shall be raised, levied, collected, and paid, in proportion to the sum that such person is rated for upon any assessment he may possess or hold in the said Town, and subject to such rules and regulations as may be made by the Magistrates in Quarter Sessions for the said District, for the purpose of raising, collecting, and paying any sum collected to the Treasurer of the said District, which said sum shall be applied from time to time, in such manner, for the purposes aforesaid, as the Magistrates in Quarter Sessions assembled, or the majority of them, shall direct and appoint.

How such assessments shall be raised and applied.

IV. *And be it further enacted by the authority aforesaid*, That the Magistrates in General Quarter Sessions of the Peace, or the major part of them, as often as they shall make and publish any such rules and regulations, for the purposes aforesaid, may make, ordain, limit, and provide such reasonable fines upon the offenders against such rules and regulations, as they may think proper, not exceeding forty shillings for any one offence, to be recovered before any Commissioner of the Peace of the said Town, upon the oath of one credible witness, and levied by warrant under the hand and seal of such Commissioner, upon the goods and chattels of such offender, and that one moiety of the sum so levied shall go to the informer, and the other moiety shall be paid to the Treasurer of the said District for the uses of the said Town.

Fines may be imposed by the Magistrates.

How collected and applied.

Rules to be published.

V. *And be it further enacted by the authority aforesaid*, That every such rule and regulation, so made, as aforesaid, before it shall have effect, shall be posted up in three or more public places in the said Town of Niagara.

Fees.

VI. *And be it further enacted by the authority aforesaid*, That the Magistrates, as aforesaid, shall and they are hereby authorised to order the same fees to be allowed and paid to the Treasurer, Collector, and Clerk of the Peace for the extra duties imposed by this Act as are paid to the said officers under any assessment Law of this Province.

Continuance of this Act.

VII. *And be it further enacted by the authority aforesaid*, That this Act shall continue and be in force for four years and no longer.

C H A P. VI.

An Act granting to His Majesty an ADDITIONAL DUTY on STILLs used for the Distillation of SPIRITUOUS LIQUORS for Sale, and for ascertaining the manner in which certain WOODEN STILLs shall be gauged in this Province.

[Passed 12th July, 1819.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS, the Laws now in force, imposing a Duty on the Distillation of Spirituous Liquors are evaded by a new and improved method of Distillation by steam; and whereas, it is expedient that such Distillers should equally contribute to the support of the Civil Government of the Province; and whereas, it is expedient that the said duty should be increased; We your Majesty's dutiful and loyal Subjects, the Commons of Upper Canada in Provincial Parliament assembled, have freely and voluntarily resolved to give and grant to your Majesty an additional duty on Stills used for Distillation in this Province, and we do most humbly beseech your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the fifth day of January next, in addition to the duty of one shilling and three pence per gallon now raised, levied, collected, and paid yearly and every year, there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, to and for the public uses of this Province, and towards

Additional duty of
1s 3d per Gallon grant-
ed on Still, from 5th
Jan. next.

wards the support of the Civil Government thereof, of and from all persons having and using a Still or Stills for the purpose of distilling Spirituous Liquors for sale, the sum of one shilling and three pence, lawful money of this Province, for every gallon which the body of such Still or Stills shall or may be capable of containing in manner herein after mentioned.

II. *And be it further enacted by the authority aforesaid*, That the said duty hereby granted to His Majesty, shall be raised, levied, collected, and paid in the same manner and under the same penalties and restrictions, as are imposed by any former Act of this Province, imposing a duty on Stills used for the purpose of distilling Spirituous Liquors.

Levied in the same manner as the existing duties on Stills.

III. *And be it further enacted by the authority aforesaid*, That each and every Wooden Still now or hereafter during the continuance of this Act, used or to be used as a Boiler or Receiver for the Beer or Wash for the distillation of Spirituous Liquors for sale, shall be gauged and the duty paid on the whole number of gallons such Still, as aforesaid, may be capable of containing.

Wooden Stills.

IV. *And be it further enacted by the authority aforesaid*, That the due application of the said duty to be raised, levied, and collected, shall be accounted for to His Majesty, His Heirs and Successors, through the Lords Commissioners of His Majesty's Treasury in such manner and form as His Majesty shall please to direct.

Duties how to be accounted for.

V. *Provided always, and be it further enacted by the authority aforesaid*, That it shall not be lawful for any Inspector or Inspectors to charge any additional fee for issuing any Licence under the provisions of this Act, or to retain to his or their own use more than five per cent. for collecting and paying over the duties hereby directed to be paid, any Law, usage, or custom to the contrary notwithstanding.

Inspectors not to charge any additional fee.

Nor to have more than 5 per cent on collection.

VI. *And be it further enacted by the authority aforesaid*, That this Act shall remain and continue in force for the space of two years from the fifth day of January next, and from thence to the end of the then next ensuing Session of Parliament.

Continuance of this Act.

C H A P. VII.

An Act to repeal the several Laws now in force, relative to Levying and Collecting RATES and ASSESSMENTS in this Province, and further to provide for the more equal and general Assessment of Lands and other ratable property throughout this Province.

[Passed 12th July, 1819.]

WHEREAS, it is expedient to make provision for the more equal and general Assessment of Lands and other ratable property throughout this Province, Be it enacted by the King's Most Excellent Majesty, by and with

Preamble.

51st Geo 3. c 8, and
56th, c 5, repealed.

with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first Monday in January, which will be in the year of our Lord, one thousand eight hundred and twenty, the several Acts now in force in the Province relative to Rates and Assessments; that is to say, an Act passed in the fifty-first year of the Reign of His present Majesty, entitled, "An Act to repeal an Act passed in the forty-seventh year of His Majesty's Reign, entitled, 'An Act to repeal the several Acts now in force in this Province, relative to Rates and Assessments, and also, to particularise the property, real and personal, which, during the continuance thereof, shall be subject to Rates and Assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed, and to make further provision for the same,'" and also, a certain other Act passed in the fifty-fifth year of His present Majesty's Reign, entitled, "An Act to continue and amend an Act passed in the fifty-first year of His Majesty's Reign, entitled, "An Act to repeal an Act passed in the forty-seventh year of His Majesty's Reign, entitled, 'An Act to repeal the several Laws now in force in this Province, relative to Rates and Assessments, and also, to particularise the property, real and personal, which, during the continuance thereof, shall be subject to Rates and Assessments, and fixing the several valuations at which each and every particular of such property shall be rated and assessed, and to make further provision for the same,'" shall be, and the same are hereby repealed.

What shall be deemed
ratable property after
first Monday in Jan.
1820.

Valuation.

II. *And be it further enacted by the authority aforesaid,* That the following property, real and personal, shall, after the said first Monday in January, one thousand eight hundred and twenty, and for every subsequent year during the continuance of this Act, be deemed ratable property throughout this Province, and shall be rated at the rate and valuation herein set forth; that is to say, every acre of arable, pasture, or meadow Land, twenty shillings; every acre of uncultivated Land, four shillings; every Town Lot, situated in the Towns hereinafter mentioned; to wit, York, Kingston, Niagara, and Queenston, fifty pounds; Cornwall, Sandwich, Johnstown, and Belleville, twenty-five pounds; every Town Lot on which a dwelling-house is erected in the Town of Brockville, being composed of the front half of Lots number ten, eleven, twelve, and thirteen, in the first Concession of the Township of Elizabethtown, in the District of Johnstown, thirty pounds; every Town Lot on which a dwelling-house is erected in the town of Bath, being composed of the front or South half of Lots number nine, ten, and eleven, in the first Concession of the Township of Ernestown, in the Midland District, twenty pounds; every house built with timber squared or hewed on two sides, of one story in height, and not two stories, with not more than two fire places, twenty pounds; for every

every additional fire place, four pounds; every dwelling-house built of squared or flatted timber on two sides, of two stories in height, with not more than two fire places, thirty pounds; and for every additional fire place, eight pounds; every framed house under two stories in height, with not more than two fire places, thirty-five pounds; and every additional fire place, five pounds; every brick or stone house, of one story in height, and not more than two fire places, forty pounds; and for every additional fire place, ten pounds; every framed, brick, or stone house, of two stories in height, and not more than two fire places, sixty pounds; every additional fire place, ten pounds; every grist mill, wrought by water, with one pair of stones, one hundred and fifty pounds; every additional pair, fifty pounds; every saw mill, one hundred pounds; every merchant's shop, two hundred pounds; every store house, owned or occupied for the receiving and forwarding goods, wares, or merchandise, for hire or gain, two hundred pounds; every stone horse kept for the purpose of covering mares for hire or gain, one hundred and ninety-nine pounds; *Provided also*, That if any person shall bring into any Township in this Province, any horse, as aforesaid, after the Assessment Roll shall have been made up for such Township, it shall and may be lawful for the Collector of such Township, and he is hereby required to demand and receive of any such person, the rate for such horse, as aforesaid, unless the owner can satisfy such Collector that the rate for such horse has been returned or paid for that year, and in case of a refusal of payment, to proceed to the recovery of such rate by distress and sale of such horse, as aforesaid; every horse of the age of three years and upwards, eight pounds; oxen, of the age of four years and upwards, per head, four pounds; milch cows, per head, three pounds; horned cattle, from the age of two years to four years, per head, twenty shillings; every close carriage with four wheels, kept for pleasure, one hundred pounds; every phaeton or other open carriage with four wheels, kept for pleasure only, twenty-five pounds; every curicle, gig, or other carriage, with two wheels, kept for pleasure only, twenty pounds; every waggon kept for pleasure, fifteen pounds. *Provided always*, That every stove erected and used in a room where there shall be no fire place, be deemed and considered as a fire place; *Provided also*, That nothing herein contained shall extend or be construed to extend, to any property, goods, or effects, matters or things herein mentioned or enumerated, which shall belong to or be in the actual possession or occupation of His Majesty, His Heirs or Successors, except the Crown and Clergy Reserves actually leased to individuals, which shall be liable to the same Rates and Assessments as other lands herein before mentioned.

Stone horse.

Carriages.

Stoves.

Exceptions of property of the King.

III. *And be it further enacted by the authority aforesaid*, That the persons nominated and chosen Assessors in each and every Parish, Township, reputed Township, or place, shall, during the continuance of this Act, have power and authority, and they are hereby authorised, empowered, and required to demand and receive of and from each and every ratable inhabitant resident within the Parish, Township, or place, for which they shall be so nominated and chosen, a list of all the ratable personal property in his, her, or their possession, in the Province, and of all the Lands or other real estate in

Lists to be taken by
Assessors.

Particular specifica-
tion of land.

in his, her, or their possession within the said Parish, Township, or place, specifying the number of the Lot or Lots, and the Concession or Concessions, in which the same is or are situated, or otherwise particularly describing the same, and also the number of acres cultivated or uncultivated in each lot or parcel of land, which list shall be taken annually during the continuance of this Act, between the first Monday in February, and the sitting of the Quarter Sessions of the Peace, then next ensuing, and the said Assessor shall make a return of all the ratable inhabitants, with a true list of all their ratable property, specifying the particulars above mentioned, and shall in like manner, insert their own ratable property therein, at the foot of which they shall subscribe their names, and after putting a copy thereof in some public and conspicuous place in the Township in which the same shall be made, shall return the same to the Clerk of the Peace to be laid before the Court of Quarter Sessions.

What lands subject
to rates.

IV. *And be it further enacted by the authority aforesaid,* That all lands shall be considered as ratable property, which are holden in fee simple, or promise of a fee simple by Land Board certificate, Order of Council or certificate of any Governor of Canada, or by Lease.

Town lots divided.

V. *And be it further enacted by the authority aforesaid,* That each lot, piece, or parcel of land in any of the before recited Towns, other or less than a Town lot on the original plan of such Town, held by Lease or otherwise, on which a building shall be erected, shall be likewise taken and considered to be a Town lot.

Compensation to As-
sessors.

VI. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such Assessors, yearly and every year, during the continuance of this Act, to demand and receive of and from the Treasurer of the District, a sum of money, not exceeding four pounds for every hundred pounds, contributed and raised in and by their respective Townships, reputed Townships or places for the year they shall serve that office, and so in proportion for any greater or less sum and sums, and the Treasurer of each and every District, is hereby authorised and required to pay such Assessor as aforesaid.

Assessments to be im-
posed and apportioned
by Quarter Sessions.

VII. *And be it further enacted by the authority aforesaid,* That the several Courts of Quarter Sessions, are hereby authorised, empowered and required, after having ascertained the sum of money required to be raised for defraying the public expences of the District, to divide and apportion the same upon each and every person in the said Rate Rolls named, and liable to pay Rates as aforesaid, so that every person shall be Assessed in just proportion to the list of his, her, or their ratable property, real and personal, according to the Rates herein before specified, and having ascertained the quota, dividend, or sum of money for which each and every person shall be so Assessed for the current year, they shall direct the Clerk of the Peace to transmit forthwith a certified copy of such Assessment Roll, so rated and ascertained as aforesaid, to each and every Collector within the District, and the said Clerk of the Peace, shall be entitled to ask, and the Treasurer is hereby required to pay him the sum of thirty shillings on each Assessment Roll, so by the said Clerk.

Assessment rolls.

Clerk apportioned and transmitted as aforesaid, and such copy certified by the Clerk of the Peace as aforesaid, shall be to each, and every Collector, sufficient authority for collecting the proportions or dividends within their respective Townships, reputed Townships or places, *Provided always*, That the sum levied shall in no one year, exceed one penny in the pound on the sum herein specified on the valuation at which each species of the property before mentioned, shall be Rated and Assessed.

Clerk of the Peace.

Limitation of assessment to one penny in the pound.

VIII. *And be it further enacted by the authority aforesaid*, That no new Assessment shall be made until it shall appear to the Justices at their respective General Quarter Sessions, or the greater part of them, then and there assembled, by the accounts of their Treasurer, or otherwise, that one half of the money collected by virtue of the preceeding rate together with the whole of the monies collected under and by virtue of any Act or Acts now or hereafter to be in force in this Province, shall have been expended for the public uses of the District.

Restrictions preventing new assessment except in certain cases.

IX. *And be it further enacted by the authority aforesaid*, That if any person appointed or to be appointed a Parish or Town Officer, under the authority of any of the Acts of the Parliament of this Province, in force for that purpose, shall neglect or refuse to perform the duty imposed upon them and each of them, by the provisions herein contained, in manner and form as herein specified and declared, or if any person or persons liable to the payment of the Rates by this Act imposed, shall neglect or refuse to deliver in a true list of his or her ratable property, real and personal, to the Assessors, in manner and form herein specified, or shall wilfully misstate such ratable property, every such person or persons shall forfeit and pay a sum of money, not less than two pounds, nor more than five pounds, for the first neglect or refusal, and ten pounds for the second, to be levied by distress and sale of the offender's goods and chattels, and upon complaint of such neglect, before two or more of His Majesty's Justices of the Peace, for the division where the offence is charged, they shall hear and determine the same, and upon sufficient proof being made of such wilful neglect, refusal or misstatement, shall issue such warrant as aforesaid, unless such fine shall be immediately satisfied, and such sum of money when collected, shall be paid into the hands of His Majesty's Receiver General, to and for the use of His Majesty, His Heirs and Successors, and towards the support of the Civil Government of this Province, to be accounted for to His Majesty, through the Lords Commissioners of His Majesty's Treasury, for the time being, in such manner and form as it shall please His Majesty to direct, and the Justices before whom such conviction shall or may have taken place, shall certify the same to the Clerk of the Peace for the District or County where the offence was committed, who shall and he is hereby required to insert the ratable property so withheld or misstated, on the Assessment list of the Township wherein the offender was resident at the time.

Punishment of officers neglecting or refusing to perform duties imposed on them by this Act,

and on persons not delivering true lists to Assessors.

Fine.

How levied.

Accounted for.

X. *And be it further enacted by the authority aforesaid*, That if any person shall refuse to pay the sum or rate for which he or she stands rated in manner aforesaid, for the space of fourteen days after demand duly made of the same by the said Collector, the said Collector shall and is hereby required to

In case of refusal to pay rate, the same to be levied by distress.

Remuneration to the
Clerks of the Peace.

that the same may be laid before the Legislative Council and House of Assembly, which shall contain a true and full statement of every species of property in respect of which such Assessment was made, and the Clerks of the Peace respectively, are hereby authorised to demand, and the Treasurer of each District is hereby respectively required to pay each of the said Clerks of the Peace, for their trouble in making up such aggregate account, the sum of thirty shillings.

Treasurer how to be
appointed.

Security.

Duty.

Remuneration.

XVIII. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Justices at their respective General Quarter Sessions assembled, or the greater part of them then and there assembled, to nominate and appoint a proper person, being resident within the District, to be Treasurer of the said District, which Treasurer shall give sufficient security in such sum as shall be approved of by the said Justices at their respective General Quarter Sessions then and there assembled, to be accountable for the several sums of money which shall be respectively paid to him in pursuance of this Act, and to pay such sum or sums of money as shall be ordered to be paid by the Justices in their General Quarter Sessions, and also for the true and faithful execution of the trust reposed in him, and all and every such sum or sums of money as shall be paid into his hands, by virtue of and in pursuance of this Act, shall be deemed and taken to be the public stock of the District, and the said Treasurer shall and is hereby required to pay so much of the money in his hands, to such person or persons as the said Justices at their respective General Quarter Sessions, or the greater part of them, then and there assembled, shall by their order direct and appoint, for the purposes therein recited, and for any other uses and purposes to which the public stock of the said District is or shall be applicable by Law, reserving at all and every time or times, to and for his own use, as a reward for his labour and expence, the sum of four pounds for every hundred pounds, that shall or may be paid into his hands, under the authority of this Act, for the purposes aforesaid.

Treasurer's accounts.

Certified copy of the
same to be transmitted
to the Lieutenant Go-
vernor.

XIX. *And be it further enacted by the authority aforesaid,* That the said Treasurer shall and is hereby required to keep books of entries of the several sums respectively received and paid by him, in pursuance of this or any other Act now or hereafter in force in this Province, and also to deliver in a true and exact account, upon oath, which oath any one of the Justices at their respective General Quarter Sessions, is hereby authorised to administer, of all and every sum or sums of money respectively received and paid by him, distinguishing the particular uses to which such sum or sums of money have been applied, to the Justices at every General Quarter Sessions to be holden for the District, and shall lay before the Justices of such Sessions the proper vouchers for the same, and also transmit once in each and every year, a certified copy thereof, on oath, to the Governor, Lieutenant Governor or Person administering the Government, in order that the same may be laid before the Legislative Council and House of Assembly, and the discharges of the said Justices of the Peace or the greater part of them, by their orders made at their General Quarter Sessions, to such Treasurer, shall be taken and allowed as a good and sufficient acquittance to the full amount thereof.

XX.

occupier of such tract or parcel of land, the amount of all rates and taxes in arrear, by distress and sale, as they might have done upon the same lands if in the occupation of such persons, at the time the rates and taxes became due, and after deducting the legal charges of distress and sale, as well as the amount of such taxes in arrear, such Collector shall pay the overplus, if any there be, to the person or persons occupying the premises on which such distress was made.

XIV. *And be it further enacted by the authority aforesaid,* That the Treasurer of each and every District of this Province, shall keep an account for every Parish, Town, Township, reputed Township or place within his District, according to the list or schedule furnished by the Surveyor General, as before mentioned, in which account he shall particularly enumerate every lot or parcel of land in the said Parish, Township or place, describing the same as in the said schedule, and shall charge the same with, or credit it for the amount of the taxes and rates payable or paid in respect thereof, for each and every year, and that the said books or accounts shall be produced by the said Treasurer, for the inspection of the Justices at the Court of General Quarter Sessions held in his District respectively, in each and every year, and shall be kept open for the inspection of all persons desiring to see the same, between the hours of ten and three, on every first and third Monday in each month, and the Treasurer is hereby authorised to demand for every such search and inspection, one shilling and three pence, and no more.

Treasurer of each District to keep an account against the Lands in his District, charging the Rates hereby imposed.

Inspection of accounts.

Fee for search.

XV. *And be it further enacted by the authority aforesaid,* That when the Rates and Assessments upon any lot, piece or parcel of land, shall be suffered to remain in arrear and unpaid for the space of three years, the Rates and Assessments so in arrear, shall be increased in the proportion of one third, and if suffered to remain five years in arrear, the whole shall be increased in the proportion of one half, and if suffered to remain eight years in arrear, the amount of such arrear shall be doubled, and the said Rates and Assessments shall be charged thenceforward in double the amount that would grow due according to the existing Rate or Assessment, and such Rates so increased respectively, shall be charged against the lands in the accounts of the Treasurer herein directed to be kept, and shall be levied in the manner herein before provided.

Rates to accumulate by an increased proportion, if suffered to remain in arrear beyond certain periods.

XVI. *And be it further enacted by the authority aforesaid,* That persons residing in Townships or places not authorised to hold Town meetings, shall be considered for the purposes of this Act, as inhabitants of the Township adjacent thereto which shall contain the smallest number of inhabitants, and shall be assessed accordingly.

Townships not authorised to hold Town Meetings.

XVII. *And be it further enacted by the authority aforesaid,* That the Clerk of the Peace in each and every District in this Province, shall and is hereby required to transmit before the end of the month of January in each and every year, to the Governor, Lieutenant Governor, or Person administering the Government, an aggregate account of the said Assessment, in order

Aggregate account to be transmitted to the Lieutenant Governor by the Clerk of the Peace.

FORM of ASSESSMENT for the Township of _____ for the Year _____

NAMES.	ACRES or LAND.	AMOUNT or ASSESSMENT.	C.	S.	D.
A.	Uncultivated.	Arable,			
		Town Lots in Kingston, York, Niagara, and Queen-			
		ton, at Fifty Pounds each.			
		Town Lots in Cornwall, Sandwich, Johnstown, and			
		Belleville, at \$25 each.			
		Brockville, at \$30 each.			
		Squared or Hewed Timber on two sides,			
		one Story.			
		Additional Fire Places.			
		Squared Timber, two Story			
B.	HOUSES.	Additional Fire Places.			
		Framed under two Story.			
		Additional Fire Places.			
		Brick or Stone of one Story, with not			
		more than two fire places.			
		Additional Fire Places.			
		Brick or Stone of two Stories, with not			
		more than two fire places.			
		Additional Fire places.			
		Wrought by Water, with one pair of			
C.	MILLS.	Stones.			
		Additional pair of Stones.			
		Saw Mills.			
		Merchant's Shops.			
		Stone Houses.			
		Stone Houses for covering Hares for live or			
		gain.			
		Horses of three years old and upwards.			
		Open four years old and upwards.			
		Milk Cows.			
TOTAL.		Horned Cattle from two to four years old.			
		Close Carriages with four wheels, kept for plea-			
		sure.			
		Phaetons or other open Carriages kept for pleasure			
		only, with four wheels			
		Carriages, Cigs, or other Carriages with two wheels,			
		for pleasure.			
		Wagons for pleasure.			
		Rate per pound.			

C H A P. VIII.

An Act to repeal part of and amend the Laws now in force for laying out, amending and keeping in repair the Public HIGHWAYS and ROADS in this Province.

[Passed 12th July, 1819.]

WHEREAS, it is expedient to amend the Laws now in force, for providing for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and after the first Monday in the month of March, which will be in the year of our Lord, one thousand eight hundred and twenty, the thirtieth clause of an Act of the Parliament of this Province, passed in the fiftieth year of His Majesty's Reign, entitled, "An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose," and so much of an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act to repeal and amend part of an Act passed in the fiftieth year of His Majesty's Reign, entitled, 'An Act to provide for the laying out, amending and keeping in repair the Public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose,'" as enacts "that any person liable to perform the duty imposed by the before recited Act, may compound for such duty, if he or she may think it, by paying to the Overseer the sum of ten shillings, for each cart, waggon, team and driver for each day, and every person liable to perform such labour, may compound for the same, if he or she shall think fit, by paying to the Overseers the sum of five shillings, for and in lieu of such day's duty or labour respectively," at the time and in the manner directed by the aforesaid Act, shall be and the same are hereby repealed.

Preamble.

After first Monday in March 1820, the 30th clause of 50th Geo 3. c 1, and certain parts of 56th Geo 3. c 41, repealed.

II. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in March, which will be in the year of our Lord one thousand eight hundred and twenty, every person included or inserted in or upon the Assessment Roll of any Township, reputed Township or Place, shall, in proportion to the estimate of his real and personal property stated on the said Roll, be held liable to work on the Highways and Roads in each and every year as follows, (that is to say,) if his property be not rated at more than twenty-five pounds, then his proportion of Statute labour on the highways, shall be two days; if at more than twenty-five pounds, and not more than fifty pounds, three days; if at more than fifty pounds, and not more than seventy-five pounds, four days; if at more than seventy-five pounds,

After first Monday in March 1820, what persons are to perform labour on the highways, and in what proportion

pounds, and not more than one hundred pounds, five days; if at more than one hundred pounds, and not more than one hundred and fifty pounds, six days; if at more than one hundred and fifty pounds, and not more than two hundred pounds, seven days; if at more than two hundred pounds, and not more than two hundred and fifty pounds, eight days; if at more than two hundred and fifty pounds, and not more than three hundred pounds, nine days; if at more than three hundred pounds, and not more than three hundred and fifty pounds, ten days; if at more than three hundred and fifty pounds, and not more than four hundred pounds, eleven days; if at more than four hundred pounds, and not more than five hundred pounds, twelve days; and for every hundred pounds above the sum of five hundred pounds, till it amounts to one thousand pounds, one day; and for every two hundred pounds above the sum of one thousand pounds, till it amounts to two thousand pounds, one day; and for every three hundred pounds above the sum of two thousand pounds, till it amounts to three thousand five hundred pounds, one day; and for every five hundred pounds above the sum of three thousand five hundred pounds, one day. *Provided always,* That every person possessed of a waggon, cart, or team of horses, oxen, or beasts of burthen or draft used to draw the same, shall be liable to work on the Highways not less than three days, any thing herein contained to the contrary in any wise notwithstanding.

Lands subject to be assessed but not included in the Assessment roll of any township, to be rated at 18th of a penny per acre, for amending the roads.

III. *And be it further enacted by the authority aforesaid,* That from and after the first Monday in the month of March, which will be in the year of our Lord one thousand eight hundred and twenty, every Lot or parcel of Land in this Province, subject to be rated and assessed, but which by reason of its remaining unoccupied or for other cause may not be included in the Assessment Roll of the Township, reputed Township, or place, wherein the same is situated, shall nevertheless be rated and assessed at one eighth of a penny per acre, annually, towards defraying the expence of laying out, amending, and keeping in repair the public Highways and Roads in such Township, reputed Township, or place, to be levied by distress and sale in case of non-payment, in the same manner by the Collectors in the different Districts respectively, as the other Rates and Assessments shall and may be levied and collected by virtue of the Laws then in force for that purpose.

Treasurer to receive such rate, and if not paid, and the land unoccupied, the rates may be levied by distress at any time after, when occupied.

IV. *And be it further enacted by the authority aforesaid,* That the Treasurer of each and every District in this Province, is hereby authorised and empowered to receive from any person or persons paying the same, the Rates or Taxes by this Act imposed, for or in respect of all such Lands as are not returned on the Assessment Roll of any Township, or place, and that in case any Lands charged with such Rates and Taxes shall be unoccupied, and no distress can be found thereon at the time such Rates or Taxes shall be payable, it shall and may be lawful for the Collector, for the time being, of the Township or place in which such Lands are situated, at any time thereafter, to enter upon the said Lands, when there shall be any distress thereupon to be found in the actual possession of the owner or occupier thereof, and having obtained a warrant for that purpose from any of His Majesty's Justices of the Peace, to levy the amount of such Rates and Taxes

in arrear, by distress and sale, as they might have done upon the same Lands if in the occupation of such persons at the time the Rates and Taxes became due, and after deducting the legal charges of distress and sale, as well as the amount of such Rates and Taxes in arrear, such Collector shall pay the overplus, if any there be, to the person or persons occupying the premises on which such distress was made.

Distress.

V. *And be it further enacted by the authority aforesaid,* That when the Rates and Assessments chargeable upon any Lot, piece, or parcel of Land, by virtue of this Act, shall be in arrear and unpaid for the space of three years, the said Rates and Assessments, so in arrear, shall be increased in the proportion of one third, and if suffered to remain five years in arrear, the whole shall be increased in the proportion of one half, and if suffered to remain eight years in arrear, the amount of such arrears shall be doubled, and the said Rates and Assessments shall be charged thenceforward in double the amount that would grow due according to the existing Rate or Assessment, and such Rates, so increased respectively, shall be charged against the Lands in the accounts of the Treasurer herein directed to be kept, and shall be levied in the manner herein before provided.

Rates to accumulate by increased proportions if suffered to remain in arrear.

VI. *And be it further enacted by the authority aforesaid,* That any person liable to perform the duty imposed by this or any other Law now in force, may compound for such duty, if he or she may think fit, by paying to the Overseer the sum of seven shillings and six pence for each cart, waggon, team, and driver, for each day, and every person liable to perform such labor may compound for the same, if he or she shall think fit, by paying to the Overseer the sum of three shillings and nine pence, for and in lieu of such day's duty or labor respectively, at the time and in the manner directed by Law.

Statute labor may be compounded for.

Rates of composition

VII. *And be it further enacted by the authority aforesaid,* That the Treasurer of each and every District of this Province, in the account which he is required to keep, for every Parish, Township, reputed Township, or place, according to the provisions of a certain Act passed in the present Session of the Parliament of this Province, entitled, "An Act to repeal the several Laws now in force relative to raising, levying, and collecting Rates and Assessments in this Province, and further to provide for the more equal and general Assessment of Lands and other ratable property throughout this Province," shall charge each lot or parcel of Land with, or credit for the amount of Taxes and Rates hereby imposed, as well as of those accruing under the last mentioned Act, and that the said books or accounts shall be produced to the Justices, and shall be subject to public inspection in the same manner as is provided by the said Act, except that no more than one fee for search shall be exacted by the Treasurer for inspection of both heads of Rates or Assessments at the same time.

Treasurer to charge lands in his District with the rates hereby imposed.

Books to be open,

Fee for search.

VIII. *And be it further enacted by the authority aforesaid,* That the Collectors throughout this Province, shall pay over the monies by them received or levied at any time under this Act to the Treasurers of their respective Districts, in the manner provided by an Act of the Parliament of this Province,

Collectors to pay over monies to the Treasurer.

vince,

Compensation to Collectors.

vince. passed in the fifty-third year of His Majesty's Reign, entitled, "An Act to alter and amend an Act passed in the forty-eighth year of His Majesty's Reign, entitled, 'An Act for the better regulation of Parish and Town Officers throughout this Province,'" and shall be entitled to deduct at the rate of five pounds for every hundred pounds, and no more, as a compensation for their services in collecting and paying over, and the Treasurer shall give a receipt for all money paid to him by any Collector.

Fees on warrant of distress, &c.

IX. *And be it further enacted by the authority aforesaid,* That for every distress levied under this Act, the following fees, and no more, shall be taken: for the warrant of distress, two shillings and six pence; for every mile travelling to execute the same, four pence; and for every selling and making return, two shillings.

Compensation to the Treasurer.

X. *And be it further enacted by the authority aforesaid,* That the Treasurer of each and every District in this Province shall be entitled to deduct the sum of four pounds for every hundred pounds paid into his hands, under the provisions of this Act, and shall, on the first day of June in every year, pay over the remainder to the Overseer of the Highways for the division in which the Lands are situated, in respect of which, the Rates and Taxes in his hands shall have been received, who shall apply the same to the use of the Highways within the year of his appointment, and the receipt of such Overseer shall be a sufficient acquittance to the Treasurer.

Monies to be paid over by him to the Overseers of the highways.

Overseers to render account on oath.

XI. *And be it further enacted by the authority aforesaid,* That the Overseers of Highways shall, in the accounts which they are required by the said Act, passed in the fiftieth year of His Majesty's Reign, entitled, "An Act to provide for the laying out, amending, and keeping in repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose," to keep, produce, and verify on oath, account for all sums of money received and expended by them under this Act, and shall be liable to be punished for misapplying or refusing or neglecting to apply or account for such monies, in the same manner as is provided by the last mentioned Act, with respect to the monies therein appointed to be received and accounted for by the said Overseers, and that any Rates or Taxes paid to the Overseers, and not applied by them during their year, shall be paid over by the Justices receiving the same, to the Overseers for the next ensuing year, to be by them applied in like manner as herein before directed.

Money not expended by Overseers shall be paid over to their successors.

Perjury.

XII. *And be it further enacted by the authority aforesaid,* That if any Overseer, in verifying his accounts, shall swear falsely, he shall, upon conviction thereof, suffer all the pains and penalties to which persons convicted of wilful and corrupt perjury are liable; And whereas, it is provided by a certain Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "An Act to repeal and amend part of an Act passed in the fiftieth year of His Majesty's Reign, entitled, 'An Act to provide for the laying out, amending, and keeping in repair the public Highways and Roads in this Province, and to repeal the Laws now in force for that purpose,'" that every male inhabitant, from the age of twenty-one years to fifty, not rated on the Assessment for

for any Town, Township, or place within this Province, shall be compelled to work on the Highways three days in every year, within the Township, Town, or place he may reside in, under the same penalty as is imposed by any Act on persons rated on the Assessment List; and whereas, in some instances the operation of the said provision may be found too severe, *Be it therefore enacted by the authority aforesaid*, That from and after the passing of this Act, persons gaining their livelihood by the wages of daily labor, and possessing no ratable property, or not being assessed at more than twenty-five pounds, who, by reason of age, sickness, or numerous family, or misfortune, may be in poor and indigent circumstances, and also, persons emigrating to this Province with intent to become permanent Settlers and Land-holders therein, and not having resided six months in the Province, may apply to the Justices at any Special or Petty Sessions, held for the District wherein such person shall reside, and the said Justices, having first given notice to the Overseer to appear on the part of the Township or place to which such person may belong, shall examine and inquire into the situation and circumstances of the person making such application, and if it shall appear to the satisfaction of such Justices, or the majority of them there assembled, that such person is really poor and indigent, and a deserving object of such relief, or that he has emigrated to this Province with intent to become a permanent Settler and Land-holder therein, and has not resided six months in the Province, the said Justices may, in their discretion, exempt such person respectively from the performance of such Statute duty upon the Highways, and from all composition money in lieu thereof.

Power given to the Magistrates in certain cases to exempt from Statute labor on the highways.

XIII. *And be it further enacted by the authority aforesaid*, That nothing in this Act contained, shall be construed to vary, repeal, or annul any clause, matter, or thing in the said Acts contained, further than is herein expressly declared and enacted.

This Act not to vary or annul any provision except as herein expressly enacted.

XIV. *And be it further enacted by the authority aforesaid*, That this Act shall continue and be in force for eight years, and from thence to the end of the then next ensuing Session of Parliament, and no longer.

Continuance of this Act.

C H A P. IX.

An Act to repeal and amend certain parts of an Act passed in the thirty-fourth year of His Majesty's Reign, entitled, "*An Act to establish a COURT for the COGNIZANCE of SMALL CAUSES in each and every DISTRICT of this Province*;" and also, of an Act passed in the thirty-seventh year of His Majesty's Reign, entitled, "*An Act to extend the JURISDICTION and regulate the Proceedings of the DISTRICT COURTS and COURT of REQUESTS.*"

[Passed 12th July, 1819.]

WHEREAS, it is expedient to alter and amend the Table of Fees now established by an Act passed in the thirty-fourth year of His Majesty's

Preamble.

34th Geo 3. c 3, amended.

Majesty's Reign, entitled, "An Act to establish a Court for the Cognizance of small Causes, in each and every District in this Province," and to repeal part of an Act passed in the thirty-seventh year of His Majesty's Reign, entitled, "An Act to extend the Jurisdiction and regulate the proceedings of the District Court and Court of Requests;" Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That part of the thirteenth clause of the said first recited, and the fourth clause of the last recited Act be, and the same are hereby, repealed.

4th clause 37th Geo. 3. c 6, repealed.

II. *And be it further enacted by the authority aforesaid,* That so much of the table of fees as established under and by virtue of the above first recited Act, and as relates to the Clerk and Judge, for filing declaration, and on every declaration filed, be, and the same is hereby repealed.

III. *And be it further enacted by the authority aforesaid,* That the following fees be allowed to the Clerk and Judge of the said District Court, as aforesaid.

Fees to Clerk and Judge.

To the Clerk, for every Summons issued, two Shillings.

To the Judge, on every Summons issued, two Shillings and six pence: on every Jury impannelled, five Shillings.

No other or greater fees to be taken in the District Court than expressly allowed by this and other Acts.

IV. *And be it further enacted by the authority aforesaid,* That no person whatsoever shall claim or be entitled to any other or greater fee for any other business done by him in the said District Court, either as Attorney, Sheriff, Clerk, Crier, or Judge, than are set down for him in this or any other Act heretofore passed for that purpose.

C H A P. X.

An Act for granting to His Majesty a sum of MONEY in aid of the FUNDS for defraying the EXPENCES of the ADMINISTRATION of JUSTICE, and support of the Civil Government of this Province.

[Passed 12th July, 1819.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS, your Majesty's faithful Commons have voluntarily and freely resolved to grant to your Majesty a supply to defray certain charges for the Administration of Justice, and support of the Civil Government

ment of this Province. We your Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, beseech your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the public uses of this Province, and in the hands of the Receiver General, and unappropriated, there be appropriated the sum of four thousand eight hundred and fifteen pounds, sterling, which said sum of four thousand eight hundred and fifteen pounds, sterling, shall be applied in aid of the funds already appropriated by an Act of the Parliament of Great Britain, passed in the fourteenth year of His Majesty's Reign, entitled "An Act to establish a fund towards further defraying the charges of the Administration of Justice, and support of the Civil Government within the Province of Quebec, in America," towards the following services for the year one thousand eight hundred and twenty:

For the Administration of Justice.

The Lieutenant Governor's Office.

The Receiver General's Office.

The Surveyor General's Office.

The Executive Council Office.

The Crown Office.

The Attorney General's Office.

The Secretary's Office.

The Register of the Province.

The Inspector General's Office.

Pensions to wounded Militia Officers.

Repairs and contingencies of the Government House.

Government Printer.

Casual and other expenses.

And shall be paid by the Receiver General of this Province, in discharge of such warrant or warrants as shall, for that purpose, be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and shall be accounted for to His Majesty, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

£4815 Sg. granted to His Majesty, in aid of the funds already appropriated towards defraying the charges of the Civil Government, &c.

How to be paid and accounted for.

Account of expenditure to be submitted to Parliament.

II. *Provided always, and be it further enacted by the authority aforesaid,* That an account in detail of all monies paid under the authority of this Act, be transmitted to be laid before the Commons House of Assembly, at the then next ensuing Session of Parliament, and *Provided also,* That so much of the said sum as may remain unexpended, shall be subject to the future disposition of Parliament.

C H A P. XI.

An Act to amend and repeal part of an Act passed in the fifty-seventh year of His Majesty's Reign, entitled, "*An Act to establish a MARKET in the Town of NIAGARA, in the Niagara District.*"

[Passed 12th July, 1819.]

Preamble.

WHEREAS, certain parts of an Act passed in the fifty-seventh year of His Majesty's Reign, entitled, "*An Act to establish a Market in the Town of Niagara, in the Niagara District,*" are now inapplicable, it is therefore expedient to amend and repeal the same, Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,*" and by the authority of the same, That from and after the passing of this Act, the fifth, sixth, and seventh clauses of the aforesaid Act, be, and the same are hereby repealed.

5th, 6th, and 7th clauses of 57th Geo. 3. repealed.

Market house to be built where the Justices shall appoint.

II. *And be it further enacted by the authority aforesaid, That the said Market House shall be built and erected, at such place in the Town of Niagara, as the Magistrates for the District of Niagara, in their General Quarter Sessions of the Peace, or the majority of them, may direct.*

C H A P. XII.

An Act to repeal part of and amend an Act passed in the forty-eighth year of His Majesty's Reign, entitled, "*An Act to explain, amend, and reduce to one Act of Parliament the several ~~Laws now in being~~ for the RAISING and TRAINING the MILITIA of this Province.*"

[Passed 12th July, 1819.]

Preamble.

WHEREAS, there is now no provision by Law for assembling a Court Martial, unless when the Militia of this Province shall be called out on actual Service, by reason whereof, it may happen that persons against whom charges may have been preferred before a Court of Enquiry, may have no opportunity of making their defence against such charges, before a Court competent to receive such evidence upon oath, in their behalf, for remedy whereof, Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative

tive Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That the twenty-fifth clause of an Act passed in the forty-eighth year of His Majesty's Reign, entitled, "An Act to explain, amend, and reduce to one Act of Parliament, the several Laws now in being, for the raising and training the Militia of this Province," shall be, and the same is hereby repealed.

25th clause of 48th
Geo 3. c 1, repealed.

III. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, in all cases where a General Court Martial shall be prayed for, by any Officer against whom any charges have been, or may be preferred, when any part of the Militia of this Province shall not be called out on actual Service, the Governor, Lieutenant Governor, or Person administering the Government, may direct a General Court Martial to be held, to be assembled in the same manner, and under the same provisions, and to proceed in the same manner as provided by Law in time of actual Service. *Provided always, nevertheless,* That if any such Officer shall be found guilty by any General Court Martial, duly assembled, when any part of the Militia of the said Province shall not be called on actual Service, such Court Martial shall and may inflict on him such penalty, proportioned to the offence, as the said Court shall judge proper, either by censure or suspension, or depriving him of his Commission, and degrading him from his rank, and no other.

General Court Mar-
tial may be granted at
the prayer of the party,
tho' no part of the Mi-
litia shall be called out
on actual service.

How such court shall
proceed.

What punishment
they may inflict.

III. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall extend or be construed to extend to repeal or vary any of the provisions of the said recited Act, excepting so far as the same is expressly repealed in this Act, but that the said Act, and every clause, matter, and thing therein contained, except the said twenty-fifth clause, shall be, and the same is hereby declared to be in full force and effect.

48th Geo 3. c 1, to
remain in full force.

C H A P. XIII.

An Act to grant to His Majesty a sum of MONEY to enable him to pay the SALARY of the INSPECTOR-GENERAL of public Provincial Accounts in this Province.

[Passed 12th July, 1819.]

MOST GRACIOUS SOVEREIGN,

WHEREAS, it is expedient to provide a fund to enable your Majesty to pay the salary of the Inspector-General of public Provincial Accounts of this Province, We your Majesty's dutiful and loyal subjects

Preamble,

subjects the Commons of Upper Canada, in Provincial Parliament assembled, beseech your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province.'" and by the authority of the same, That from and out of the rates and duties raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, and in the hands of the Receiver General, unappropriated, there be granted to His Majesty, His Heirs and Successors, the sum of three hundred and sixty-five pounds, sterling, annually, which sum of three hundred and sixty-five pounds, sterling, shall be appropriated, applied, and disposed of, in payment of the salary of the said Inspector General.

£365 Sterling to be applied annually to pay the salary of the Inspector General.

Payable after 1st January, 1820.

II. *And be it further enacted by the authority aforesaid*, That the said sum of three hundred and sixty-five pounds, sterling, shall become payable from and after the first day of January one thousand eight hundred and twenty.

How to be accounted for.

III. *And be it further enacted by the authority aforesaid*, That the said sum of three hundred and sixty-five pounds, sterling, shall be paid by the Receiver General of this Province, in discharge of such warrant or warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and shall be accounted for to His Majesty, by the Receiver General of this Province, through the Lords Commissioners of His Treasury, for the time being, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

C H A P. XIV.

An Act granting to His Majesty a sum of MONEY to provide for the ACCOMMODATION of the LEGISLATIVE COUNCIL and HOUSE of ASSEMBLY.

[Passed 12th July, 1819.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS, it is expedient to provide for the accommodation of the Legislative Council and House of Assembly of this Province, We beseech your Majesty, that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice

vice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled, by virtue of, and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That there be granted to your Majesty, your Heirs and Successors, from and out of the rates and duties now or hereafter to be raised, levied, and collected, to and for the uses of this Province, and unappropriated, the sum of one thousand five hundred pounds, which sum of one thousand five hundred pounds, shall be paid by the Receiver General of this Province, in discharge of such warrant or warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, to the persons appointed, as hereinafter directed, to be applied by them towards erecting and putting up proper buildings for the accommodation of the Provincial Legislature, and shall be accounted for through the Lords Commissioners of His Majesty's Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be pleased to direct.

£1500 applied towards erecting buildings for the Legislature.

II. *And be it further enacted by the authority aforesaid*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint two Commissioners for the purpose of carrying into effect the provisions of this Act.

Commissioners to be appointed.

C H A P. XV.

An Act to INCORPORATE certain Persons under the Style and Title of the PRESIDENT, DIRECTORS, and COMPANY, of the BANK of KINGSTON.

[*Passed 12th July, 1819.*]

WHEREAS, the establishment of a Bank in the Province of Upper Canada, will conduce to the prosperity and advantage of Commerce and Agriculture in the said Province; and whereas, Allan M'Lean, Thomas Markland, Peter Smith, Lawrence Herchmer, William Mitchell, John Kirby, Roderick M'Kay, John M'Aulay, Allan M'Pherson, Hugh C. Thompson, Jerry Whitehead, William Bradhay, J. Nickalls, N. M'Leod, S. Johns, P. Smyth, and Thomas Graham, by their Petition presented to the Legislature, have prayed for the privilege of being incorporated; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's

Preamble.

Petition of certain persons to be incorporated.

Incorporation of a Bank under the name of the "Bank of Kingston."

Privileges.

Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,' and by the authority of the same, That Allan M'Lean, Thomas Markland, Peter Smith, Lawrence Herchmer, John Kirby, William Mitchell, and all such persons as hereafter shall become Stockholders of the said Bank, shall be and hereby are ordained, constituted, and declared to be, from time to time, and until the first day of June, which will be in the year of our Lord one thousand eight hundred and fifty, a Body Corporate and Politic, in fact and in name of the President, Directors, and Company of the Bank of Kingston, and that by that name, they and their successors shall and may have continual succession, and shall be persons in Law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all Courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the same name of the President, Directors, and Company of the Bank of Kingston, shall be in Law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said Corporation.

Amount of each share

Number of shares.
Books of subscription where and when to be opened.

II. *And be it further enacted by the authority aforesaid*, That a Share in the Stock of the said Bank shall be twelve pounds ten shillings, or the equivalent thereof, in specie, and the number of Shares shall not exceed ten thousand; and that books of subscription shall be opened, at the same time, in the Towns of Kingston, Niagara, York, Brockville, Amherstburg, Ancaster, Vittoria, Hamilton, in the District of Newcastle, and Cornwall, in the Eastern District, within two months after the passing of this Act, by such person or persons, and under such regulations as the majority of the said petitioners shall direct.

No person to take more than 80 shares.

Ten per cent to be immediately deposited, if required.

Remainder payable in instalments

Provisions respecting the calling in of the instalments.

Forfeiture in case of failure in paying subscription.

III. *And be it further enacted by the authority aforesaid*, That it shall be lawful for any person, His Majesty's subjects or foreigners, to subscribe for such and so many Shares as he, she, or they may think fit, not however exceeding in the first instance eighty, and that the Shares respectively subscribed shall be payable in gold or silver, that is to say, ten per centum, to be ready as a deposit, at the time of subscribing, to be called for by the Directors hereafter appointed by virtue of this Act, as soon as they may deem expedient, and the remainder shall be payable in such installments as a majority of the Stockholders, at a meeting to be expressly convened for that purpose, shall agree upon, *Provided* no installment shall exceed ten per centum, upon the Capital Stock, or be called for or become payable in less than sixty days after public notice shall have been given in the Upper Canada Gazette to that effect; *Provided always*, That if any Stockholder or Stockholders, as aforesaid, shall refuse or neglect to pay to the said Directors the installment due on any Share or Shares held by him, her, or them, at the time required by Law so to do, such Stockholder or Stockholders, as aforesaid, shall forfeit such Share, as aforesaid, with the amount previously paid thereon, and the said Share or Shares may be sold by the

Directors,

Directors, and the sum arising therefrom, together with the amount previously paid thereon, shall be accounted for and divided in like manner as other monies of the Bank.

IV. *Provided also, and be it further enacted by the authority aforesaid,* That if the whole number of Shares shall not be subscribed within two months after the said books of subscription shall be opened, then and in such case, it shall be lawful for any former subscriber or subscribers to increase his, her, or their subscriptions; and *Provided further,* That if the total amount of subscriptions within the period aforesaid, shall exceed the Capital Stock limited by this Act, then and in such case, the Shares of each subscriber or subscribers above ten Shares shall, as nearly as may be, be proportionably reduced, until that the total number of Shares be brought down to the limits above said, and *Provided nevertheless,* That the said limitation in respect to persons subscribing to the said Capital Stock, shall not extend or be construed to extend to prevent the acquisition of a greater number of Shares by purchase, after the said Bank shall have commenced its operations.

How Shares may be made up.

Persons may acquire a greater number of Shares by purchase after the Bank is in operation.

V. *And be it further enacted by the authority aforesaid,* That the whole amount of the Stock, estate, and property, which the said Corporation shall be authorised to hold, including the Capital Stock, or Shares before mentioned, shall never exceed in value one hundred and twenty-five thousand pounds.

Stock not to exceed £125,000.

VI. *And be it further enacted by the authority aforesaid,* That as soon as the sum of fifty thousand pounds shall have been subscribed, it shall and may be lawful for such subscribers, or the majority of them, to call a meeting, at some place to be named in the Town of Kingston, for the purpose of proceeding to the election of the number of Directors hereinafter mentioned, and such election shall then and there be made by a majority of Shares, voted for in manner hereinafter prescribed, in respect of the annual elections of Directors, and the persons then and there chosen shall be the first Directors, and be capable of serving until the expiration of the first Monday in June, in the year of our Lord one thousand eight hundred and twenty-one, and the Directors, so chosen, shall, as soon as the deposit, amounting to twenty thousand pounds, subscribed as aforesaid, shall be paid to the said Directors, commence the business and operations of the said Bank; *Provided always,* That no such meeting of the said subscribers shall take place until a notice is published in all the public Newspapers of this Province, at the distance of not less than thirty days from the time of such notification.

When £50,000 subscribed, Directors to be elected.

How to be chosen.

When to commence their proceedings.

Notice to be given of meeting of subscribers.

VII. *And be it further enacted by the authority aforesaid,* That the Stock, property, affairs, and concerns of the said Corporation, shall be managed and conducted by fifteen Directors, one of whom to be the President, who, excepting as is herein before provided for, shall hold their offices for one year, which Directors shall be Stockholders, and shall be subjects of His Majesty, residing in this Province, and be elected on the first Monday in June, in every year, at such time of the day, and at such place in the Town of Kingston, as a majority of the Directors, for the time being, shall appoint, and public

Directors.

President.

Qualifications of Directors.

Provision for election of Directors.

notice shall be given by the said Directors in the different Newspapers printed within the Province, of such time and place, not more than sixty, nor less than thirty days, previous to the time of holding the said election; and the said election shall be held and made by such of the Stockholders of the said Bank as shall attend for that purpose in their own proper persons, or by proxy; and all elections for Directors shall be by ballot, and the fifteen persons who shall have the greatest number of votes at any election, shall be the Directors, except as is herein after directed; and if it should happen at any election, that two or more persons have an equal number of votes, in such manner that a greater number of persons than fifteen shall by plurality of votes, appear to be chosen as Directors, then the said Stockholders, herein before authorised to hold such election, shall proceed to ballot a second time, and by plurality of votes, determine which of the said persons, so having an equal number of votes, shall be the Director or Directors, so as to complete the whole number of fifteen, and the said Directors, so soon as may be after the said election, shall proceed, in like manner, to elect by ballot, one of their number to be their President, and four of the Directors which shall be chosen at any year, excepting the President, shall be ineligible to the office of Director, for one year after the expiration of the time for which they shall be chosen Directors; and in case a greater number than ten of the Directors, exclusive of the President who served for the last year, shall appear to be elected, then the election of such person or persons above the said number, and who shall have the fewest votes, shall be considered void, and such other of the Stockholders as shall be eligible, and shall have the next greatest number of votes, shall be considered as elected in the room of such last described person or persons, and who are hereby declared ineligible, as aforesaid; and the President for the time being, shall always be eligible to the office of Director; but Stockholders not residing within the Province, shall be ineligible, and if any Director shall move out of the said Province, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen among the Directors, by death, resignation, or removal from the said Province, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen, by a special election for that purpose, to be held in the same manner as herein before directed respecting annual elections, at such time and place in the Town of Kingston, as the remainder of the Directors or the major part of them, shall appoint; *Provided always*, That no person shall be eligible to be a Director who shall not be a Stockholder to the amount of at least twenty Shares.

Vacancies to be supplied.

Directors to have twenty Shares.

Corporation not to be dissolved by non-election of Directors on the proper day.

VIII. *And be it further enacted by the authority aforesaid*, That in case it should at any time happen, that an election of Directors should not be made on any day when, pursuant to this Act, it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but that it shall and may be lawful on any other day to hold and make an election of Directors, in such manner as shall have been regulated by the laws and ordinances of the said Corporation.

IX. And be it further enacted by the authority aforesaid. That each Stockholder shall be entitled to a number of votes proportioned to the number of Shares which he or she shall have held in his or her own name, at least three months prior to the time of voting, according to the following ratios; that is to say, at the rate of one vote for each Share, not exceeding four, five votes for six Shares, six votes for eight Shares, seven votes for ten Shares, and one vote for every five Shares above ten. Stockholders actually resident within the Province of Upper Canada, and none others, may vote in election by proxy; *Provided always*, That no person, co-partnership, or body politic, shall be entitled to more than fifteen votes at any such election.

Who are to vote.

X. And be it further enacted by the authority aforesaid, That it shall be the duty of the Directors to make half yearly dividends of so much of the profits of the said Bank, as to them, or the majority of them, shall appear advisable, and that once in every three years, and oftener if thereunto required by a majority of the votes of the Stockholders, to be given agreeably to the ratios herein before established at a general meeting to be called for that purpose, an exact and particular statement of the debts which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profits, if any, after deducting losses and dividends.

Half yearly dividends of profits to be made.

Accounts to be given of debts, losses, &c.

XI. And be it further enacted by the authority aforesaid, That the Directors for the time being, or a major part of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the Stock, property, estate, and effects of the said Corporation, and touching the duties and conduct of the Officers, Clerks, and Servants employed therein, and all such other matters as appertain to the business of a Bank, and shall also have power to appoint as many Officers, Clerks, and Servants, for carrying on the said business, and with such salaries and allowances as to them shall seem meet; *Provided*, That such rules and regulations be not repugnant to the Laws of this Province.

Directors may make rules,

appoint clerks and servants, and pay them.

XII. And be it further enacted by the authority aforesaid, That the total amount of the debts which the said Corporation shall, at any time, owe, whether by bond, bill, note, or other contract, over and above the monies then actually deposited in the Bank, shall not exceed three times the sum of the Capital Stock subscribed, and actually paid into the Bank, and in case of such excess, the Directors, under whose administration it shall happen, shall be liable for the same in their natural and private capacities; but this shall not be construed to exempt the said Corporation, or any estate, real or personal, which they may hold as a Body Corporate, from being also liable for, and chargeable with, the said excess, but such of the said Directors, who may have been absent when the said excess was contracted, or who may have dissented from the said resolution or act, whereby the same was contracted, may respectively exonerate themselves from being so liable, by giving immediate notice of the fact, and of their absence or dissent, to the Stockholders,

Debts never to exceed three times the amount of monies actually paid into the Bank

In case of excess, Directors in whose time it shall happen to, be personally liable.

Exceptions.

Stockholders, at a general meeting, which they shall have power to call for that purpose.

The Bank to issue no bill under ten shillings.

XIII. *And be it further enacted by the authority aforesaid,* That it shall not be lawful for the said Corporation, to issue any note or bill under the value of ten shillings of lawful money of the Province of Upper Canada.

To hold no lands except as herein mentioned.

XIV. *And be it further enacted by the authority aforesaid,* That the lands, tenements, and hereditaments, which it shall be lawful for the said Corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the way of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts; and further the said Corporation shall not, directly or indirectly, deal or trade, in buying or selling any goods, wares, merchandise, or commodities whatsoever; *Provided,* That nothing herein contained shall any wise be construed to hinder the said Corporation from dealing in bills of Exchange, or in buying or selling bullion, gold, or silver.

Not to deal in goods or merchandise.

Exception.

Shares may be transferred.

XV. *And be it further enacted by the authority aforesaid,* That the Shares of the said Capital Stock shall be transferable and may be, from time to time, transferred by the respective persons so subscribing the same; *Provided always,* That such transfer be entered or registered in a book or books to be kept for that purpose by the Directors.

In what manner.

Bills obligatory and of credit under seal of the Bank, made assignable.

XVI. *And be it further enacted by the authority aforesaid,* That the bills obligatory and of credit, under the seal of the said Corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain any action thereupon in his or their own name or names, and bills or notes which may be issued by order of the said Corporation, signed by the President, and countersigned by the principal Cashier or Treasurer, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said Corporation, shall be binding and obligatory upon the same, in like manner, and with the like force and effect as upon any private person or persons, if issued by him, her, or them, in his, her, or their private or natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were so issued by such private person or persons.

Bills or notes negotiable, &c.

Cashier and clerk to give security.

XVII. *And be it further enacted by the authority aforesaid,* That every Cashier and Clerk, before he enters into the duties of his office, shall give bond, with two or more sureties, in such sum as may be satisfactory to the Directors, with condition for the faithful discharge of his duty.

XVIII

XVIII. *And be it further enacted by the authority aforesaid,* That the said Corporation shall not demand any greater interest on any loan or discount than at the rate of six per centum per annum.

Interest limited to
£6 per cent on any
loan or discount.

XIX. *And be it further enacted by the authority aforesaid,* That the Directors, excepting the President, shall not be entitled to any emolument for their services, and that seven Directors shall constitute a Board, for the transaction of business, of whom the President shall be one, except in the case of sickness or absence, in which case, the Directors present may choose a Chairman for the said meeting.

Directors to have no
emolument except the
President.

Seven to form a
board.
President.

Chairman.

XX. *And be it further enacted by the authority aforesaid,* That the said Bank shall be established, and the buildings necessary for the accommodation thereof erected, purchased, or leased, and the business thereof, at all times hereafter, transacted at such place in the Town of Kingston, as the Directors, or the majority of them, may appoint; *Provided always,* So soon as it may be deemed expedient, Branches of the said Bank and Offices of Deposit and Discount may be authorised by the said Directors, or the majority of them, in any other part of the said Province, under such rules and regulations as the said Directors, or the major part of them, may think proper, not repugnant to the general rules of the said Corporation; and *Provided always,* That a Branch of the said Bank shall be established in the Town of York, within two years from the passing of the said Act, in case the Stockholders of the Town of York and the Home District hold two thousand Shares in the said Bank.

Bank to be establish-
ed in Kingston.

Branches may be
authorised by the Di-
rectors.

A Branch to be estab-
lished at York, on
conditions.

XXI. *And be it further enacted by the authority aforesaid,* That if at any time after the passing of this Act, the said President, Directors, and Company, shall refuse, on demand being made at their Banking House, or any Branch or Branches hereafter to be established, during the regular hours of doing business, to redeem in specie, or other lawful money of this Province, their said Bills, Notes or other evidences of debt, issued by the said Company, the said President, Directors and Company shall, on pain of forfeiture of their Charter, wholly discontinue and close their said Banking operations, either by way of discount or otherwise, until such time as the President, Directors and Company shall resume the redemption of their Bills, Notes or other evidences of debt, in specie or other lawful money of this Province.

If Bank refuses pay-
ment of their bills, its
proceedings shall be
closed till payment is
resumed.

XXII. *And be it further enacted by the authority aforesaid,* That it shall and may be the duty of the President and Cashier of the said Bank, for the time being, to make a return, under oath, to the Provincial Parliament, once in each year, if required either by the Legislative Council or House of Assembly, which return shall contain a full and true account of the funds and property of the said Bank, the amount of its Capital Stock subscribed and paid, the amount of the debts due to and from the said Bank, the amount of the Bills and Notes emitted by the Bank, in circulation, and the amount of Specie in the said Bank at the time of making such return; and in case the said President and Cashier shall refuse or neglect to make such return as aforesaid, the Legislature may at any time thereafter in their discretion dissolve the said Corporation.

Annual returns to be
made by the President
and Cashier to the Pro-
vincial Parliament.

This Act to be deemed a public Act.

XXIII. *And be it further enacted by the authority aforesaid,* That this Act be, and is hereby declared to be a public Act, and that the same may be construed as such in His Majesty's Courts of this Province.

Non-user before 1st January, 1821, not be a cause of forfeiture of incorporation.

XXIV. *And be it further enacted by the authority aforesaid,* That this present Act of Incorporation shall in no wise be forfeited by any non-user whatever, at any time before the first day of January, one thousand eight hundred and twenty one, any thing herein contained to the contrary thereof notwithstanding.

C H A P. XVI.

An Act for appropriating a sum of MONEY to defray the expence of procuring PLANS and ELEVATIONS of PUBLIC BUILDINGS, and for COPIES of the JOURNALS which were destroyed by the Enemy.

[Passed 12th July, 1819.]

MOST GRACIOUS SOVEREIGN,

Preamble.

WHEREAS, in pursuance of a joint Address of the Legislative Council and Commons House of Assembly of this Province, certain Plans and Elevations for Public Buildings were procured by the Provincial Agent; and whereas, it is expedient to appropriate a sum of money to defray the expences of the said Plans and Elevations; and whereas, a sum of money is required to defray the expence of procuring copies of the Journals of the Legislative Council and Assembly, which were burned by the enemy during the late war: We your Majesty's dutiful and loyal subjects the Commons of Upper Canada, in Provincial Parliament assembled, beseech your Majesty that it may be enacted, and Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'" and by the authority of the same, That from and out of the rates and duties already raised, levied, and collected, or hereafter to be raised, levied, and collected, to and for the uses of this Province, there be granted to His Majesty, His Heirs and Successors, the sum of five hundred and twelve pounds one shilling, sterling, to be issued out of the funds now remaining, or hereafter to come into the hands of the Receiver General, unappropriated, which said sum of five hundred and twelve pounds one shilling, shall be disposed of, appropriated, and applied by the Provincial Agent as follows, viz. one hundred and fifty-seven pounds ten shillings, sterling, to defray the expence of procuring certain Plans and Elevations . for

£512 1s Stg. to be paid to the Provincial Agent to defray the expence of procuring plans of public buildings, and copies of the Journals of Parliament destroyed by the enemy.

for Public Buildings, procured by the Provincial Agent, and three hundred and fifty-four pounds eleven shillings, sterling, to defray the expences of procuring copies of the Journals of the Legislative Council and Assembly, which said sum of five hundred and twelve pounds one shilling, sterling, shall be paid in discharge of such warrant or warrants as shall for that purpose be issued by the Governor, Lieutenant Governor, or Person administering the Government of this Province, and shall be accounted for by the Receiver General of this Province, through the Lords Commissioners of His Treasury, in such manner and form as His Majesty, His Heirs and Successors shall be graciously pleased to direct.

C H A P. XVII.

An Act to repeal part of an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "*An Act to continue and amend an Act passed in the fifty-second year of His Majesty's Reign, entitled, 'An Act to prevent damage to TRAVELLERS on the HIGHWAYS in this Province.'*"

[Passed 12th July, 1819.]

WHEREAS, an Act passed in the fifty-second year of His Majesty's Reign, entitled, "*An Act to prevent damage to Travellers on the Highways in this Province,*" and continued and amended by an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "*An Act to continue and amend an Act passed in the fifty-second year of His Majesty's Reign, entitled, 'An Act to prevent damage to Travellers on the Highways in this Province,'*" will shortly expire; and whereas, it is expedient to make the said recited Acts permanent Laws of this Province; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, intituled, 'An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province.'*" and by the authority of the same, That the last clause of the said last recited Act be, and the same is hereby repealed.

Preamble:

4th clause 50th Geo.
3. c 11, repealed.

C H A P. XVIII.

An Act to continue and amend an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "*An Act to revive and continue an Act passed in the fifty second year of His Majesty's Reign,*" entitled, "*An Act to continue and amend an Act passed in the forty-eight year of His Majesty's Reign,*" entitled, "*An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign,*" entitled, "*An Act to afford relief to those Persons who may be entitled to claim Lands, in this Province, as HEIRS or DEVISEES of the NOMINEES of the CROWN, in cases where no Patent hath issued for such Lands, and further to extend the benefit of the said Act, and to continue part of the same.*"

[Passed 12th July, 1819.]

Preamble.

WHEREAS, an Act passed in the fifty-sixth year of His Majesty's Reign, entitled, "*An Act to revive and continue an Act passed in the fifty-second year of His Majesty's Reign,*" entitled, "*An Act to continue and amend an Act passed in the forty-eighth year of His Majesty's Reign,*" entitled, "*An Act to continue an Act passed in the forty-fifth year of His Majesty's Reign,*" entitled, "*An Act to afford relief to those persons who may be entitled to claim Lands in this Province, as Heirs or Devisees of the Nominees of the Crown, in cases where no Patent hath issued for such Lands, and further to extend the benefit of the said Act, and to continue part of the same,*" will shortly expire, and whereas, it is expedient to continue and amend the same; Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That the said Act of the fifty-sixth year of His Majesty's Reign, be, and the same is hereby continued; and that the Assignee or Assignees of the Nominee or Nominees of the Crown to Lands in this Province, who is or are dead, or who have left this Province before the passing of this Act, may bring their claims for such Lands in the same manner that the Assignee or Assignees of the Nominee or Nominees of the Crown were authorised to do, by the second clause of the before-recited Act of the forty-eighth year of the Reign of His present Majesty.

56th Geo 3. c 22, continued.

Its provisions extended.

Fees to clerk of the commission.

II. *And be it further enacted by the authority aforesaid, That the following fees shall be taken and received by the Clerk of the Commission: for filing each petition, five shillings; on hearing the claim, five shillings; for each certificate of allowance thereof, five shillings.*

C H A P. XIX.

An Act to make good certain MONIES issued and advanced by His Excellency the Lieutenant Governor, in pursuance of the Address of the Commons House of Assembly, at the last Session of Parliament.

£576 : 2 : 10 applied to make good so much advanced by His Excellency the Lieutenant Governor, in pursuance of an Address, to defray contingent expences of the two Houses of Parliament.

C H A P. XX.

An Act to afford relief to ABNER CHAPIN.

C H A P. XXI.

An Act for the relief of JOHN WAGSTAFF, of NIAGARA, in the District of Niagara, Tinsmith.

C H A P. XXII.

An Act to continue an Act passed in the forty-second year of His Majesty's Reign, entitled, "*An Act to enable the Governor, Lieutenant Governor, or Person administering the Government of this Province, to appoint one or more additional PORT or PORTS, PLACE or PLACES of ENTRY, within this Province, and to appoint one or more COLLECTORS at the same respectively.*"

42d Geo. 3d, c. 4, continued for 4 years.

C H A P. XXIII.

An Act further to continue an Act passed in the thirty-third year of His Majesty's Reign, entitled, "*An Act to provide for the appointment of RETURNING OFFICERS of the several COUNTIES within this Province.*"

33d Geo. 3d s 12 continued for 4 years, and thence to the end of the then next ensuing Session of Parliament.

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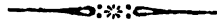
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- 15-16 Second line from the bottom, for "your" read "you."
37 Line 10, for "do appear" read "do not appear."
48 2d Section, line 4, after "Hilary" insert "Term."
58 Insert as a Note at bottom, "For provisions in lieu of a writ of inquiry in District Court, see 57th Geo. 3d, c 5, s 6."
85 To 177, for "First Session, second Parliament," read "Fifth Session, first Parliament," and for "Second Session, second Parliament," read "First Session, second Parliament," and so on to page 177, where "Fourth Session, third Parliament," begins.
264 to 285, for "First Session, fifth Parliament," read "Second Session, fifth Parliament."
416 to 436, for "58th Geo. 3d," read "59th Geo. 3d."
423 The references at the bottom of this page should have been inserted at the end of Chap. 14, page 440.
449 In margin, for "43d Geo. 3d, c 6," read "43d Geo. 3d, c 5."



In the perusal of the foregoing Statutes, it is to be observed, that when particular parts of Clauses have been actually or virtually altered, or repealed, by other or subsequent enactments, but which, however, could not be omitted, without destroying the sense of the Sections or Acts in which they appear, they have been printed in *Italic type*,* with references in the margin to those Acts by which they have been so altered or repealed, and are always to be understood as not having force of Law at this day.

The principal part of this edition of the Statutes having been printed before the meeting of the last Session of the Legislature, the further provisions on various subjects, and alterations made thereby, could not be remarked in their proper places, but the references in the Index will obviate any difficulty on that account.

* Except some of the names of Counties and Townships, in 38th Geo. 3, c 5.

ANNO QUINQUAGESIMO NONO

GEORGE III. REGIS.

C A P. LXIX.

An Act to prevent the Enlisting or Engagement of His Majesty's Subjects to serve in Foreign Service, and the fitting out or equipping, in His Majesty's Dominions, Vessels for Warlike purposes, without His Majesty's Licence.

[3d July 1819.]

WHEREAS the Enlistment or Engagement of His Majesty's Subjects to serve in War in Foreign Service, without His Majesty's Licence, and the fitting out and equipping and arming of Vessels by His Majesty's Subjects, without His Majesty's Licence, for Warlike Operations in or against the Dominions or Territories of any Foreign Prince, State, Potentate, or Persons exercising or assuming to exercise the Powers of Government in or over any Foreign Country, Colony, Province, or part of any Province, or against the Ships, Goods, or Merchandize of any Foreign Prince, State, Potentate, or Persons as aforesaid, or their Subjects, may be prejudicial to and tend to endanger the Peace and Welfare of this Kingdom: And whereas the Laws in force are not sufficiently effectual for preventing the same; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That from and after the passing of this Act, an Act passed in the Ninth Year of the Reign of His late Majesty King George the Second, intituled An Act to prevent the listing His Majesty's Subjects to serve as Soldiers without His Majesty's Licence; and also an Act passed in the twenty-ninth year of the Reign of His said late Majesty King George the Second, intituled An Act to prevent His Majesty's Subjects from serving as Officers under the French King; and for better enforcing an Act passed in the Ninth Year of His present Majesty's Reign, to prevent the enlisting His Majesty's Subjects to serve as Soldiers without His Majesty's Licence; and for obliging such of His Majesty's Subjects as shall accept Commissions in the Scotch Brigade in the service of the States General of the United Provinces, to take the Oaths of Allegiance and Abjuration; and also an Act passed in Ireland in the Eleventh Year of the Reign of His said late Majesty King George the Second, intituled An Act for the more effectual preventing

9 G. 2. c. 30.

29 G. 2. c. 17.

Irish Act, 11 G. 2.

Irish Act, 19 G. 2.

Recited Acts repealed

Subjects enlisting or engaging to enlist or serve in Foreign Service, military or naval, guilty of misdemeanor.

venting the enlisting of His Majesty's Subjects to serve as Soldiers in Foreign Service without His Majesty's Licence; and also an Act passed in Ireland in the Nineteenth Year of the Reign of His said late Majesty King George the Second, intituled An Act for the more effectual preventing His Majesty's Subjects from entering into Foreign Service, and for publishing an Act of the Seventh Year of King William the Third, intituled 'An Act to prevent Foreign Education;' and all and every the Clauses and Provisions in the said several Acts contained, shall be and the same are hereby repealed.

II. And be it further declared and enacted, That if any natural-born Subject of His Majesty, His Heirs and Successors, without the Leave or Licence of His Majesty, His Heirs or Successors, for that Purpose first had and obtained, under the Sign Manual of His Majesty, His Heirs or Successors, or signified by Order in Council, or by Proclamation of His Majesty, His Heirs or Successors, shall take or accept, or shall agree to take or accept, any Military Commission, or shall otherwise enter into the Military Service as a Commissioned or Non-commissioned Officer, or shall enlist or enter himself to enlist, or shall agree to enlist or to enter himself to serve as a Soldier, or to be employed or shall serve in any Warlike or Military Operation, in the Service of or for or under or in Aid of any Foreign Prince, State, Potentate, Colony, Province, or Part of any Province or People, or of any person or persons exercising or assuming to exercise the powers of Government in or over any Foreign Country, Colony, Province, or Part of any Province or People, either as an Officer or Soldier, or in any other Military capacity; or if any natural-born Subject of His Majesty shall, without such leave or licence as aforesaid, accept, or agree to take or accept, any Commission, Warrant, or Appointment as an Officer; or shall enlist or enter himself or shall agree to enlist or enter himself to serve as a Sailor or Marine, or to be employed, or engaged, or shall serve in and on board any Ship or Vessel of War, or in and on board any Ship or Vessel used or fitted out, or equipped or intended to be used for any Warlike purpose, in the Service of or for or under or in Aid of any Foreign Power, Prince, State, Potentate, Colony, Province, or Part of any Province or People, or of any Person or Persons exercising or assuming to exercise the Powers of Government in or over any Foreign Country, Colony, Province, or part of any Province or People; or if any natural-born Subject of His Majesty shall, without such Leave and Licence as aforesaid, engage, contract, or agree to go, or shall go to any Foreign State, Country, Colony, Province, or part of any Province, or to any Place beyond the Seas, with an Intent, or in order to enlist or enter himself to serve, or with Intent to serve in any Warlike or Military Operation whatever, whether by Land or by Sea, in the Service of or for or under or in Aid of any Foreign Prince, State, Potentate, Colony, or Province, or Part of any Province or people, or in the Service of or for or under or in Aid of any Person or Persons exercising or assuming to exercise the Powers of Government in or over any Foreign Country, Colony, Province, or Part of any Province or People, either as an Officer or a Soldier, or in any other Military Capacity, or as an Officer or Sailor, or Marine, in any such Ship or Vessel as aforesaid, although no Enlisting Money or Pay or Reward shall have been or shall be in any or either of the Cases aforesaid actually paid to or received

All persons retaining or procuring others to enlist, guilty of the like offence.

ceived by him, or by any Person to or for his Use or Benefit; or if any Person whatever, within the United Kingdom of Great Britain and Ireland, or in any Part of His Majesty's Dominions elsewhere, or in any Country, Colony, Settlement, Island or Place belonging to or subject to His Majesty, shall hire, retain, engage, or procure, or shall attempt or endeavour to hire, retain, engage, or procure, any Person or Persons whatever to enlist, or to enter or engage to enlist, or to serve or to be employed in any such Service or Employment as aforesaid, as an Officer, Soldier, Sailor, or Marine, either in Land or Sea Service, for or under or in Aid of any Foreign Prince, State, Potentate, Colony, Province, or Part of any Province or People, or for or under or in Aid of any Person or Persons exercising or assuming to exercise any Powers of Government as aforesaid, or to go or to agree to go or embark from any Part of His Majesty's Dominions, for the Purpose or with Intent to be so enlisted, entered, engaged, or employed as aforesaid, whether any Enlisting Money, Pay, or Reward shall have been or shall be actually given or received, or not; in any or either of such Cases, every person so offending shall be deemed guilty of a Misdemeanor, and upon being convicted thereof, upon any Information or Indictment, shall be punishable by Fine and Imprisonment, or either of them, at the Discretion of the Court before which such Offender shall be convicted.

Att not to extend to persons enlisted or serving before the times herein specified.

III. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to render any person or persons liable to any punishment or penalty under this Act, who at any time before the first day of August one thousand eight hundred and nineteen; within any part of the United Kingdom, or of the Islands of Jersey, Guernsey, Alderney, or Sark, or at any time before the first day of November one thousand eight hundred and nineteen, in any part or place out of the United Kingdom, or of the said Islands, shall have taken or accepted, or agreed to take or accept any Military Commission, or shall have otherwise enlisted into any Military Service as a Commissioned or Non-commissioned Officer, or shall have enlisted, or entered himself to enlist, or shall have agreed to enlist or enter himself to serve as a Soldier, or shall have served, or having so served, shall, after the said first day of August one thousand eight hundred and nineteen, continue to serve in any Warlike or Military Operation; either as an Officer or Soldier, or in any other Military Capacity, or shall have accepted, or agreed to take or accept any Commission, Warrant, or Appointment as an Officer, or shall have enlisted or entered himself to serve; or shall have served, or having so served, shall continue to serve as a Sailor or Marine, or shall have been employed or engaged, or shall have served; or having so served, shall, after the said first day of August, continue to serve in and on board any Ship or Vessel of War, used or fitted out, or equipped or intended for any Warlike Purpose; or shall have engaged, or contracted or agreed to go, or shall have gone to, or having so gone to, shall, after the said first day of August, continue in any Foreign State, Country, Colony, Province, or part of a Province, or to or in any place beyond the seas, unless such person or persons shall embark at or proceed from some port or place within the United Kingdom, or the Islands of Jersey, Guernsey,

Guernsey, Alderney, or Sark, with intent to serve as an Officer, Soldier, Sailor, or Marine, contrary to the provisions of this Act, after the said first day of August, or shall embark or proceed from some port or place out of the United Kingdom, or the Islands of Jersey, Guernsey, Alderney, or Sark, with such intent as aforesaid, after the said first day of November, or who shall, before the passing of this Act, and within the said United Kingdom, or the said Islands, or before the first day of November one thousand eight hundred and nineteen, in any port or place out of the said United Kingdom, or the said Islands, have hired, retained, engaged, or procured, or attempted or endeavoured to hire, retain, engage, or procure, any person or persons whatever, to enlist or to enter, or to engage to enlist or to serve, or be employed in any such Service or employment as aforesaid, as an Officer, Soldier, Sailor, or Marine, either in Land or Sea Service, or to go, or agree to go or embark for the purpose or with the intent to be so enlisted, entered, or engaged, or employed, contrary to the prohibitions respectively in this Act contained, any thing in this Act contained to the contrary in any wise notwithstanding; but that all and every such person and persons shall be in such state and condition, and no other, and shall be liable to such fines, penalties, forfeitures, and disabilities, and none other, as such person or persons was or were liable and subject to before the passing of this Act, and as such person or persons would have been in, and been liable and subject to, in case this Act and the said recited Acts by this Act repealed had not been passed or made.

Justices to issue warrants for the apprehension of offenders.

IV. And be it further enacted, That it shall and may be lawful for any Justice of the Peace residing at or near to any port or place within the United Kingdom of Great Britain and Ireland, where any offence made punishable by this Act as a misdemeanor shall be committed, on information on oath of any such offence, to issue his warrant for the apprehension of the offender, and to cause him to be brought before such Justice, or any Justice of the Peace; and it shall be lawful for the Justice of the Peace before whom such offender shall be brought, to examine into the nature of the offence upon oath, and to commit such person to gaol, there to remain until delivered by due course of Law, unless such offender shall give bail, to the satisfaction of the said Justice, to appear and answer to any information or indictment to be preferred against him, according to Law, for the said offence; and that all such offences which shall be committed within that part of the United Kingdom called England, shall and may be proceeded and tried in His Majesty's Court of King's Bench at Westminster, and the venue in such case laid at Westminster, or at the Assizes or Session of Oyer and Terminer and Gaol Delivery, or at any Quarter or General Sessions of the Peace in and for the County or place where such offence was committed; and that all such offences which shall be committed within that part of the United Kingdom called Ireland, shall and may be prosecuted in His Majesty's Court of King's Bench at Dublin, and the Venue be laid at Dublin, or at any Assizes or Session of Oyer and Terminer and Gaol Delivery, or at any Quarter or General Sessions of the Peace in and for the County or Place where such offence was committed; and all such offences as shall be committed in Scotland, shall and may be prosecuted in the Court of Justiciary in Scotland, or any other Court competent to try criminal offences committed within the County, Shire,

Where offences shall be tried.

Shire, or Stewartry within which such offence was committed; and where any offence made punishable by this Act as a Misdemeanor shall be committed out of the said United Kingdom, it shall be lawful for any Justice of the Peace residing near to the port or place where such offence shall be committed, on information on oath of any such offence, to issue his warrant for the apprehension of the offender, and to cause him to be brought before such Justice, or any other Justice of the Peace for such place; and it shall be lawful for the Justice of the Peace before whom such offender shall be brought, to examine into the nature of the offence upon oath, and to commit such person to gaol, there to remain till delivered by due course of Law, or otherwise to hold such offender to bail to answer for such offence in the Superior Court, competent to try and having jurisdiction to try criminal offences committed in such port or place; and all such offences committed at any place out of the said United Kingdom shall and may be prosecuted and tried in any Superior Court of His Majesty's Dominions, competent to try, and having jurisdiction to try criminal offences committed at the place where such offence shall be committed.

V. And be it further enacted, That in case any Ship or Vessel in any port or place within His Majesty's Dominions, shall have on board any such person or persons who shall have been enlisted or entered to serve, or shall have engaged or agreed or been procured to enlist or enter or serve, or who shall be departing from His Majesty's Dominions for the purpose and with the intent of enlisting or entering to serve, or to be employed, or of serving or being engaged or employed in the Service of any Foreign Prince, State, or Potentate, Colony, Province, or part of any Province or People, or of any person or persons exercising or assuming to exercise the powers of Government in or over any Foreign Colony, Province, or part of any Province or People, either as an Officer, Soldier, Sailor, or Marine, contrary to the provisions of this Act, it shall be lawful for any of the principal Officers of His Majesty's Customs where any such Officers of the Customs shall be, and in any part of His Majesty's Dominions in which there are no Officers of His Majesty's Customs, for any Governor or persons having the Chief Civil Command, upon information on oath, given before them respectively, which oath they are hereby respectively authorised and empowered to administer, that such person or persons, as aforesaid, is or are on board such Ship or Vessel, to detain and prevent any such Ship or Vessel, or to cause such Ship or Vessel to be detained and prevented from proceeding to sea on her voyage with such persons, as aforesaid, on board: Provided nevertheless, That no principal Officer, Governor, or person, shall act as aforesaid, upon such information upon oath, as aforesaid, unless the party so informing shall not only have deposed in such information that the person or persons on board such Ship or Vessel hath or have been enlisted or entered to serve, or hath or have engaged or agreed or been procured to enlist or enter or serve, or is or are departing, as aforesaid, for the purpose and with the intent of enlisting or entering to serve or to be employed, or of serving, or being engaged or employed in such Service, as aforesaid, but shall also have set forth in such information upon oath, the facts or circumstances upon which he forms his knowledge or belief, enabling him to give such information upon oath; and that

Vessels with persons on board engaged in Foreign Service, may be detained at any Port in His Majesty's dominions.

Oath to be made as to facts and circumstances.

all and every person and persons convicted of wilfully false swearing in any such information upon oath, shall be deemed guilty of and suffer the penalties on persons convicted of wilful and corrupt perjury.

Penalty on Masters of Ships, &c taking on board persons enlisted contrary to this Act, 50l. for each person.

VI. And be it further enacted, That if any Master or other person having or taking the charge or command of any Ship or Vessel, in any part of the United Kingdom of Great Britain and Ireland, or in any part of His Majesty's Dominions beyond the seas, shall knowingly and willingly take on board, or if such Master or other person having the command of any such Ship or Vessel, or any owner or owners of any such Ship or Vessel, shall knowingly engage to take on board any person or persons who shall have been enlisted or entered to serve, or shall have engaged or agreed or been procured to enlist or enter or serve, or who shall be departing from His Majesty's Dominions for the purpose and with the intent of enlisting or entering to serve, or to be employed, or of serving, or being engaged or employed in any Naval or Military Service, contrary to the provisions of this Act, such Master or owner, or other person, as aforesaid, shall forfeit and pay the sum of fifty pounds for each and every such person so taken or engaged to be taken on board; and moreover every such Ship or Vessel, so having on board, conveying, carrying, or transporting any such person or persons, shall and may be seized and detained by the Collector, Comptroller, Surveyor, or other Officer of the Customs, until such penalty or penalties shall be satisfied and paid, or until such Master or person, or the owner or owners of such Ship or Vessel shall give good and sufficient bail, by recognizance before one of His Majesty's Justices of the Peace, for the payment of such penalty or penalties.

Penalty on persons fitting out armed Vessels to aid in Military Operations with any Foreign Powers without licence;

VII. And be it further enacted, That if any person, within any part of the United Kingdom, or in any part of His Majesty's Dominions beyond the seas, shall, without the leave and licence of His Majesty, for that purpose first had and obtained, as aforesaid, equip, furnish, fit out, or arm, or attempt or endeavour to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any Ship or Vessel, with intent or in order that such Ship or Vessel shall be employed in the Service of any Foreign Prince, State, or Potentate, or of any Foreign Colony, Province, or part of any Province or People, or of any person or persons exercising or assuming to exercise any powers of Government in or over any Foreign State, Colony, Province, or part of any Province or People, as a Transport or Store Ship, or with intent to cruise or commit hostilities against any Prince, State, or Potentate, or against the subjects or citizens of any Prince, State, or Potentate, or against the persons exercising or assuming to exercise the powers of Government in any Colony, Province, or part of any Province or Country, or against the inhabitants of any Foreign Colony, Province, or part of any Province or Country, with whom His Majesty shall not then be at war; or shall, within the United Kingdom, or any of His Majesty's Dominions, or in any Settlement, Colony, Territory, Island, or place, belonging or subject to His Majesty, issue or deliver any Commission for any Ship or Vessel, to the intent that such Ship or Vessel shall be employed as aforesaid,

or issuing Commissions for Ships.

aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court in which such offender shall be convicted; and every such Ship or Vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to or be on board of any such Ship or Vessel, shall be forfeited; and it shall be lawful for any officer of His Majesty's Customs or Excise, or any Officer of His Majesty's Navy, who is by Law empowered to make seizures, for any forfeiture incurred under any of the Laws of Customs or Excise, or the Laws of Trade and Navigation, to seize such Ships and Vessels aforesaid, and in such places and in such manner, in which the Officers of His Majesty's Customs or Excise and the Officers of His Majesty's Navy are empowered respectively to make seizures under the Laws of Customs and Excise, or under the Laws of Trade and Navigation; and that every such Ship and Vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to or be on board of such Ship or Vessel, may be prosecuted and condemned in the like manner, and in such Courts as Ships or Vessels may be prosecuted and condemned for any breach of the Laws made for the protection of the Revenues and Customs and Excise, or of the Laws of Trade and Navigation.

VIII. And be it further enacted, That if any person in any part of the United Kingdom of Great Britain and Ireland, or in any part of His Majesty's Dominions beyond the seas, without the leave and licence of His Majesty for that purpose first had and obtained as aforesaid, shall, by adding to the number of the guns of such Vessel, or by changing those on board for other guns, or by the addition of any equipment for war, increase or augment, or procure to be increased or augmented, or shall be knowingly concerned in increasing or augmenting the warlike force of any Ship or Vessel of War, or Cruizer, or other armed Vessel, which at the time of her arrival in any part of the United Kingdom, or any of His Majesty's Dominions, was a Ship of War, Cruizer, or Armed Vessel in the Service of any Foreign Prince, State, or Potentate, or of any person or persons exercising or assuming to exercise any powers of Government in or over any Colony, Province, or part of any Province or People belonging to the subjects of any such Prince, State, or Potentate, or to the inhabitants of any Colony, Province, or part of any Province or Country, under the controul of any person or persons so exercising or assuming to exercise the powers of Government, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon being convicted thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court before which such offender shall be convicted.

Penalty, for aiding the warlike equipment of Vessels of Foreign States, &c.

IX. And be it further enacted, That offences made punishable by the provisions of this Act, committed out of the United Kingdom, may be prosecuted and tried in His Majesty's Court of King's Bench at Westminster, and the Venue in such case laid at Westminster, in the County of Middlesex.

Offences committed out of the Kingdom may be tried at Westminster.

How Penalties shall
be sued for and reco-
vered

X. And be it further enacted, That any penalty or forfeiture inflicted by this Act, may be prosecuted, sued for, and recovered, by action of debt, bill, plaint, or information, in any of His Majesty's Courts of Record at Westminster or Dublin, or in the Court of Exchequer, or in the Court of Session in Scotland, in the name of His Majesty's Attorney General for England or Ireland, or His Majesty's Advocate for Scotland respectively, or in the name of any person or persons whatsoever; wherein no essoign, protection, privilege, wager of Law, nor more than one imparlance shall be allowed; and in every action or suit the person against whom judgment shall be given for any penalty or forfeiture under this Act, shall pay double costs of suit; and every such action or suit shall and may be brought at any time within twelve months after the offence committed, and not afterwards; and one moiety of every penalty to be recovered by virtue of this Act shall go and be applied to His Majesty, His Heirs or Successors, and the other moiety to the use of such person or persons as shall first sue for the same, after deducting the charges of prosecution from the whole.

Double costs.

Limitation of actions

Former rules esta-
blished by Law to be
applied to actions com-
menced in pursuance
of this Act.

XI. And be it further enacted, That if any action or suit shall be commenced, either in Great Britain or elsewhere, against any person or persons for any thing done in pursuance of this Act, all rules and regulations, privileges and protections, as to maintaining or defending any suit or action, and pleading therein, or any costs thereon, in relation to any acts, matters, or things done, or that may be done, by any Officer of Customs or Excise, or by any Officer of His Majesty's Navy, under any Act of the Parliament in force on or immediately before the passing of this Act, for the protection of the Revenues of Customs and Excise, or Prevention of Smuggling, shall apply and be in full force in any such action or suit as shall be brought for any thing done in pursuance of this Act, in as full and ample a manner, to all intents and purposes, as if the same privileges and protections were repeated and re-enacted in this Act.

Penalties not to ex-
tend to persons enter-
ing into Military Ser-
vice in Asia.

XII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to subject to any penalty any person who shall enter into the Military Service of any Prince, State, or Potentate, in Asia, with leave or licence, signified in the usual manner, from the Governor General in Council, or Vice President in Council, of Fort William, in Bengal, or in conformity with any orders or regulations issued or sanctioned by such Governor General or Vice President in Council.

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